

Mr. OVERMAN. I would like to comply with the request of the Senator; but this bill has been before the Senate all of this week and all of last week and all of the week before, and Senators ought to stay here. I have accommodated them whenever possible, but I should like to have a vote this afternoon and finish the measure.

Mr. REED. As the Senator refuses to accede to my request, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gulon	Martin	Smith, Ga.
Baird	Hale	Myers	Smith, Md.
Bankhead	Hardwick	Nelson	Smith, S. C.
Beckham	Henderson	New	Smoot
Borah	Hitchcock	Norris	Sterling
Brandeggee	Hollis	Nugent	Swanson
Chamberlain	Johnson, Cal.	Overman	Thomas
Colt	Jones, N. Mex.	Page	Thompson
Culberson	Jones, Wash.	Phelan	Tillman
Cummins	Kellogg	Pittman	Townsend
Curtis	Kirby	Polindexter	Trammell
Dillingham	Knox	Reed	Underwood
Fall	Lenroot	Saulsbury	Vardaman
Fletcher	Lewis	Shafroth	Wadsworth
France	Lodge	Sheppard	Walsh
Frelinghuysen	McCumber	Sherman	Warren
Gallinger	McKellar	Shields	Watson
Gerry	McLean	Simmons	Williams
Gronna	McNary	Smith, Ariz.	Wolcott

The VICE PRESIDENT. Seventy-six Senators have answered to the roll call. There is a quorum present. The yeas and nays have been ordered on agreeing to the amendment of the Senator from Georgia [Mr. SMITH], and the roll will be called.

The Secretary proceeded to call the roll.

Mr. FALL (when his name was called). I make the same announcement that I made on the last vote and withhold my vote.

Mr. GERRY (when his name was called). Making the same announcement that I did the last time, I vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Ohio [Mr. POMERENE] and vote "nay."

Mr. LODGE (when Mr. WEEKS's name was called). I make the same announcement as heretofore, that my colleague [Mr. WEEKS] is paired with the Senator from Kentucky [Mr. JAMES]. My colleague is unavoidably absent. If he were present, he would vote "yea."

Mr. WILLIAMS (when his name was called). Repeating the announcement made upon the last vote concerning my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. BECKHAM (after having voted in the negative). I transfer my pair with the Senator from West Virginia [Mr. SUTHERLAND] to the Senator from Oklahoma [Mr. OWEN] and let my vote stand.

I wish to announce the absence of my colleague [Mr. JAMES] on account of illness.

The result was announced—yeas 35, nays 42, as follows:

YEAS—35.			
Brandeggee	Gronna	Lodge	Smoot
Chamberlain	Hale	McCumber	Sterling
Cummins	Harding	New	Thomas
Curtis	Hardwick	Norris	Townsend
Dillingham	Hitchcock	Page	Underwood
France	Johnson, Cal.	Reed	Vardaman
Frelinghuysen	Kellogg	Sherman	Wadsworth
Gallinger	Knox	Smith, Ga.	Watson
Gore	Lenroot		

  

NAYS—42.			
Ashurst	Hollis	Nugent	Smith, S. C.
Baird	Jones, N. Mex.	Overman	Swanson
Bankhead	Jones, Wash.	Phelan	Thompson
Beckham	Kirby	Pittman	Tillman
Borah	Lewis	Saulsbury	Trammell
Colt	McKellar	Shafroth	Walsh
Culberson	McLean	Sheppard	Warren
Fletcher	McNary	Shields	Williams
Gerry	Martin	Simmons	Wolcott
Gulon	Myers	Smith, Ariz.	
Henderson	Nelson	Smith, Md.	

NOT VOTING—18.

Calder	Johnson, S. Dak.	Owen	Smith, Mich.
Fall	Kendrick	Penrose	Sutherland
Fernald	Kenyon	Pomerene	Weeks
Goff	King	Ransdell	
James	La Follette	Robinson	

So the amendment of Mr. SMITH of Georgia was rejected.

The VICE PRESIDENT. The bill is in Committee of the Whole and open for further amendments.

Mr. SMOOT. I intended to offer an amendment and occupy some time this afternoon, but it is so late in the evening that I will ask the Senator from North Carolina if we can not adjourn at this time until Monday? I understand that there are

a number of other amendments to be offered. I have not occupied a moment of the time of the Senate; but I did want to offer the amendment and to speak at least 20 minutes upon it, and there are quite a number of other amendments that are to be offered. It is Saturday afternoon. I ask the Senator if he will not agree to an adjournment until Monday?

Mr. OVERMAN. The Senator surprises me when he says that there are a number of amendments to be introduced.

Mr. SMOOT. They have been printed.

Mr. OVERMAN. I know the Senator from Ohio [Mr. HARDING] has an amendment and also the Senator from Utah [Mr. SMOOT] has an amendment, and both Senators want to speak on their amendments. Are there any other amendments to be offered?

Mr. SMOOT. There are some amendments printed. I do not know anything about whether they are to be offered or not.

Mr. HALE. I should like to state that I shall propose an amendment.

Mr. STERLING. I have an amendment to offer.

Mr. SMOOT. I wish to say to the Senator from North Carolina that I thought there was an understanding if we secured a vote upon the last amendment we would then adjourn until Monday. I do not know whether any Senators have left the Chamber with that understanding or not.

Mr. OVERMAN. I understand that the Senator from Maine [Mr. HALE], the Senator from South Dakota [Mr. STERLING], and the Senator from Ohio [Mr. HARDING] have amendments which they wish to offer.

Mr. CUMMINS. I intend to offer several amendments.

RECESS.

Mr. OVERMAN. I move that the Senate take a recess until Monday at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m., Saturday, April 27, 1918) the Senate took a recess until Monday, April 29, 1918, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

SATURDAY, April 27, 1918.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God Almighty, how marvelous are the works of Thy hands, how manifold are the ways of Thy providence, how vast are Thy plans and purposes! Open Thou, we pray Thee, our understanding that we may apprehend, and strengthen us for every duty Thou hast laid upon us, that the desires of Thy heart may be fulfilled in us, through Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

### CASUALTY LISTS.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Massachusetts [Mr. ROGERS] asks unanimous consent to proceed for two minutes. Is there objection?

Mr. MADDEN. Reserving the right to object, I would like to know what the gentleman is going to speak about.

Mr. ROGERS. Upon the withholding of the names of the organizations to which soldiers belong in publishing casualty lists.

Mr. MADDEN. All right.

The SPEAKER. Is there objection?

There was no objection.

Mr. ROGERS. Mr. Speaker, in three different cases in the last week in my own city there have been anxious and grieving fathers and mothers, because of the announcement that a certain boy has been dangerously wounded overseas. In each case, after making an investigation here in Washington, I was able to telegraph the fathers and mothers that happily their grief was needless, the error having arisen from the fact that the organization number to which the soldier belonged had not been given in the casualty lists. There was duplication of names and the confusion resulted in that way. I assume that my own case is not at all unique in that respect. I suppose every Member of the House has had cases of this sort, perhaps many of you more frequently than I have. I simply desire to bring this matter to the attention of the House at this time, and to express the hope that it may be possible for the War Department to modify its policy in this connection. I ask the Clerk to read

in my time a very brief extract from a Lowell, Mass., newspaper on this subject.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

If the custom of not publishing the addresses of those of our boys who suffer sickness, wounds, or death in France is meeting with the same disadvantages throughout the country as has been the case in this city, surely it will not prevail for a much longer time, for through the giving out of names minus the addresses of the parties of at least three soldiers during the past 10 days similar to those of Lowell boys now fighting in the trenches needless pain and temporary sorrow have been suffered by the relatives and friends of the boys. In the first two cases the stories and photographs of the young men, who it was assumed were the parties mentioned in the casualty lists, were published in this paper, only to be retracted a day or so afterwards, when the addresses of the unfortunate young men were traced to Methuen, Mass., and Bridgeport, Conn., respectively. The last and third incident occurred only yesterday, when the casualty list as published in Boston papers contained the name of a young man who had died of disease which was identically the same as that of a young man who was taken from this city in the first draft quota. The local young man happens at this time to be confined in a hospital in the South, while his comrades are either in France or on the way over there; so that it is apparent that had his people not known definitely his present whereabouts they would have been justified in believing that it was their son and brother who had been the victim in the hospital in France.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. THOMPSON for two weeks, on account of illness.

#### SPEAKER PRO TEMPORE TO-MORROW.

The SPEAKER. The Chair designates Mr. GREENE of Massachusetts to preside to-morrow at the memorial services for the late Representative SULLOWAY.

#### COMMITTEE APPOINTMENT.

The SPEAKER. The Chair appoints the gentleman from Oregon [Mr. SINNOTT] in the place of Mr. LENROO as a member of the special committee to consider water power.

#### EXPERT TRANSCRIBERS FOR THE OFFICIAL REPORTERS (H. REPT. NO. 524).

Mr. PARK. Mr. Speaker, I present a privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

#### House resolution 318.

*Resolved*, That there shall be paid out of the contingent fund of the House, until otherwise provided by law, compensation at the rate of \$1,200 per annum, payable monthly, for the employment of six expert transcribers, who shall be appointed by and be under the direction and control of the Official Reporters of Debates in the preparation of copy of the proceedings of the House of Representatives for publication in the CONGRESSIONAL RECORD.

Mr. PARK. Mr. Speaker and gentlemen of the House, the necessity for a change of the method of compensation of the transcribers employed in the office of the Official Reporters of Debates has about reached its culmination. Heretofore each reporter has paid his own transcriber's salary, sometimes for nine months, sometimes longer, for the purpose of having transcribed the speeches and proceedings on the floor. The amount paid by the Official Reporters for this work has been repaid to them by the House at the end of each session by an item in the general deficiency appropriation bill. In the War Department and in other departments higher salaries are paid than the Official Reporters are able to pay for this service. In order that a person may be qualified to be an expert transcriber considerable training is necessary, and I am informed by the reporters that it takes 12 months or longer before a transcriber becomes thoroughly familiar with the terminology and phraseology of the House. The language is different, the variety of subjects discussed is very great, and for that reason an ordinary transcriber can not do the work satisfactorily.

This resolution is intended to provide six transcribers at \$100 a month and put them on the annual roll. The Official Reporters can secure transcribers in that way; but when the position is a session employment, the salary being so small it is impossible to keep them. I understand that Mr. Lafferty, one of the reporters, has had his transcriber leave him to accept a position paying \$200 a month, and one of the other reporters has had a similar experience.

Mr. MADDEN. Will the gentleman yield?

Mr. PARK. Yes.

Mr. MADDEN. The Committee on Accounts has made a sufficiently careful investigation of this matter to be sure that it is one of the essential things to be done now, to take care of the business of the House.

Mr. PARK. It seems so to the committee.

Mr. MADDEN. I think so, too.

Mr. GARNER. Will the gentleman yield for a question?

Mr. PARK. I yield to the gentleman.

Mr. GARNER. If I understand this resolution, it provides that each reporter may appoint a transcriber?

Mr. PARK. Yes.

Mr. GARNER. The transcribers to be under the direction and control of the Official Reporters?

Mr. PARK. Yes.

Mr. GARNER. At \$100 a month, annually?

Mr. PARK. Yes.

Mr. GARNER. To be paid out of the contingent fund until otherwise provided by law?

Mr. PARK. Yes.

Mr. GARNER. Under the present arrangement the reporters of the House appoint these transcribers and pay them monthly while Congress is in session, and at the end of the session through the Committee on Appropriations they are reimbursed for the money so paid by them?

Mr. PARK. Yes.

Mr. GARNER. The only difference between the proposed arrangement and the present arrangement is that they will be put on the roll and carried annually at \$100 a month?

Mr. PARK. Yes. Of course the gentleman knows that Congress has been in session almost continuously in recent years.

Mr. GARNER. I think this is undoubtedly the better plan.

Mr. PARK. If Congress remains in session 10 months. All department clerks are entitled to 30 days annual leave and not exceeding 30 days sick leave, so that the service is practically the same.

Mr. GARNER. If I understand the gentleman, one of the principal reasons for this resolution is that the salaries paid for similar service by the War Department and other departments is causing these employees to go, because they get a salary from the reporters only while Congress is in session, and this proposes to secure their continuous employment at the same salaries that they could get somewhere else.

Mr. MADDEN. Another reason is that it will relieve the reporters of the necessity of paying this money out of their monthly salary, which is a great burden.

Mr. GARNER. And if you do not pass this resolution it will be difficult for the reporters to get efficient transcribers, because they will go somewhere else.

Mr. MADDEN. Exactly.

Mr. STAFFORD. Will the gentleman from Georgia yield me 10 minutes?

Mr. PARK. I will yield to the gentleman 10 minutes.

Mr. STAFFORD. Mr. Speaker, there is no disposition on the part of anyone in the House to compel the reporters of the House to pay out of their own pockets, as has been the practice in the past, money to pay transcribers of the proceedings of the House until reimbursed by Congress at the close of the session. Originally the reporters themselves performed this work, but for a number of years past, in order to have the copy brought to the floor as quickly as possible for the use of the Members in revision, it has been performed by transcribers, who take the reports from the phonograph and typewrite it on machines.

This bill is a forerunner of what we may expect not only for the help of the Official Reporters of the House but for similar help to those of the committees. They, too, receive \$5,000 per annum, and they employ transcribers in some instances running up to \$200 a month. It is an unpleasant task for me to take the position that I do, but I do not believe that we are warranted by the facts presented to the legislative committee in considering the employees of the House in putting these people on the annual roll. I have no objection to placing them on the rolls as session employees.

It is true that we have a peculiar condition existing at the present time. The War Department is very desirous of getting all the clerical help and stenographers possible. These stenographers receive an entrance salary of \$1,100, payable out of a lump sum, but their positions are not permanent. These persons now employed as transcribers are simply typists. It may be that some have gone down to the department—in one or two instances the younger ones have left and taken up some gainful employment. There are only four committee stenographers on the permanent roll. They do not perform all the work of reporting, but employ stenographers in the city who receive 15 cents per folio. That character of temporary employment can be obtained any time. I believe that this character of employment can be obtained at all times and these persons now employed retained in the Government employment if given session employment. It is different, as far as these employees are concerned, from the political appointments of the House, for they are brought from far and near and the little extra compensation that they get goes for mileage.

Mr. LAZARO. Will the gentleman yield?



Mr. STAFFORD. Yes.

Mr. LAZARO. Does the gentleman believe that anyone in these times of the high cost of living could get along on the temporary employment as suggested by the gentleman?

Mr. STAFFORD. Oh, yes; they have worked for that in times past, and the same employees have remained. If \$100 is not sufficient, make it more as a temporary employment. When we have short sessions you can not justify giving more than a temporary employment, as persons can be found anywhere in the District to do the work of transcribing. It is not difficult for us to find stenographers to do the work of a stenographic character. So I say that we should, as with the committee reporters, merely provide employment for the session. If \$100 is not sufficient, make it \$125. I am going to ask the gentleman from Georgia if he will not yield to me to offer an amendment inserting, after the word "transcribers," the words "during the sessions of Congress."

Mr. PARK. I do not want to be taken off the floor.

Mr. STAFFORD. Of course not. Mr. Speaker, the gentleman yields to me; with the understanding that I will not take the gentleman off the floor, to insert, after the word "transcribers," the words "during the sessions of Congress."

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. MOORE of Pennsylvania. I want to ask the gentleman a question.

Mr. STAFFORD. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has five minutes. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Page 1, line 4, after the word "transcribers," insert the words "during the sessions of Congress."

Mr. STAFFORD. Now, I yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. The gentleman referred to these employees as merely typists. I think it is fair, and I know the gentleman wants to be fair, to say that they are more than that, they are expert typewriters and operatives of talking machines.

Mr. STAFFORD. They are typists and transcribers, that is the technical term. They are employed in the law offices where they dictate to phonographs, and then it is transcribed on the typewriter. The reporters go downstairs after they take five minutes of debate, talk into a phonograph, and then it is taken off by these transcribers. What is the effect of this amendment? It will not only give permanent status to these people, but it will give them \$100 a month while they have received in times past in some instances \$85 a month.

But more, they will receive the additional allowance we have provided for all employees of the Government during these stressful times. If \$100 a month is not sufficient, let us pay them more, but let them be session employees. These are people who can be obtained at any time in the District, who do this character of work. They will always be available and perform it efficiently. So I say that this amendment should be adopted, not only for the reason that it is applicable in this case, but when the committee reporters come before you and ask for a similar raise, that their employees, who are temporary, should be placed on the permanent roll, we can provide for them merely for the session, or as the work requires, and not give them an annual status.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. COOPER of Wisconsin. Did I understand the gentleman to say that ordinary typists are competent to do this work at any time, and may be obtained down here in the city?

Mr. STAFFORD. Oh, yes; it is a similar condition to stenographers to committees. We only have four stenographers to the committees, and yet at times there are a dozen stenographers employed by reason of having permanent offices in the District.

Mr. COOPER of Wisconsin. Does not the gentleman think, in fact does he not know, that there are many technical terms and expressions constantly being used by the presiding officer and by gentlemen on the floor in debate, which these people learn to take with great rapidity and transcribe on the typewriter, and that they must become familiar with this technical language in order to do efficient service?

Mr. STAFFORD. Oh, there have not been any changes in the personnel of this force to speak of until recently. They have been employed there for a long time. As soon as these temporary war conditions have passed there will not be any difficulty with this.

Mr. GARNER, Mr. CANNON, and Mr. WALSH rose.

The SPEAKER. To whom does the gentleman yield?

Mr. STAFFORD. To no one at the present time. There would not be any need for continuing these permanently when this exigency passes over.

Mr. GARNER. Does the gentleman know the difference in the cost per annum under this arrangement and the present arrangement?

Mr. STAFFORD. Well, I suppose the difference in the cost, when we take in the committee reporters, will be several thousand dollars—

Mr. GARNER. No; I am not talking of that—

Mr. STAFFORD. The gentleman realizes—

Mr. GARNER. I can not see the point of the gentleman from Wisconsin to save my life, where this applies to the committee reporters because they go out, as the gentleman says, and get somebody else—

Mr. STAFFORD. I beg the gentleman's pardon, then; I have not made myself clear. I decline to yield further, because my time is running. The committee reporters, and they are four in number, have employed many from outside to help perform the same character of work. The reporters take dictation of hearings, and they have their copy transcribed, and they employ temporary help, just like the Official Reporters of Debates of the House, for that purpose. In some instances they pay as much as \$200 a month to some individuals that transcribe copy. These same employees will be seeking for places on the permanent roll if you adopt this resolution. That is the point I am making.

Mr. CANNON. Will the gentleman yield?

Mr. STAFFORD. The gentleman from Massachusetts [Mr. WALSH] was desiring recognition. I yield to the gentleman from Massachusetts, as he was asking for recognition before the gentleman from Illinois, and he is protesting—

Mr. WALSH. I yield to the gentleman from Illinois.

Mr. STAFFORD. The gentleman withdraws his protest, and I yield to the gentleman from Illinois.

Mr. CANNON. Does not the gentleman think under existing conditions, and the long session, and prompt work of this House, and good work, that the House, which will be in session when peace comes, with people who are competent and who we can get very well—does not the gentleman think that we can trust a future House of Representatives when peace comes to do the proper thing?

Mr. STAFFORD. The gentleman has been long enough in Congress to know that when once you place an employee on the permanent roll there is no change from that status.

The SPEAKER. The time of the gentleman has expired.

Mr. PARK. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I am opposed to the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD]. I am in favor of the resolution offered by the gentleman from Georgia [Mr. PARK], because I believe it is one of the essential needs of the hour. I do not think the gentleman from Wisconsin understands the situation, though he may have been giving study to it in the committee of which he is a member in the Appropriations Committee room. The reporters have paid the transcribers out of their own pockets for 30 years, so they have not been doing the transcribing themselves in recent years.

It may be that what is said on the floor of the House is not always important, and perhaps in many cases it is not. If it is not worth preserving, of course the thing to do is to do away with the reporters.

Mr. BUTLER. To do away with the Record.

Mr. MADDEN. And if you do away with the Record you will of course do away with the reporters. That might possibly be a good thing to do, but we shall never do that; and if we are going to insist upon having what we say reported, written out, and handed back to us for revision in 5 or 10 minutes after it is spoken, then we ought to furnish the kind of facilities that will enable the reporters to give us what we want [applause], and you can not furnish that in a haphazard way. The gentleman from Wisconsin says it is easy to get stenographers. Yes; but what kind of stenographers? I have been trying to get them. The kind that come to you looking for a job are enough to drive a man to drink. [Laughter.] It is outrageous for them to classify themselves as stenographers. They do not know any more about stenography than a last year's bird's nest; that is, the most of them who come around looking for a job. It is difficult to get a good man or a good woman in the stenographic line to-day at any price, and these people who are required to transcribe the debates of the House are required to be experts. The reporters themselves have not the time, and they ought not to be required to do this transcribing. If this

was a million-dollar proposition there would not be a word said against it; but it happens to involve only about ten or fifteen dollars, and of course we are going to take a half a day in objections to it. We never have any trouble when it comes to a billion dollars. That goes over the heads of most of the Members here. If it reaches only a million, it goes over the heads of a great many, but when it gets down to \$10, of course quite a few object to it. [Laughter.] Here is a case where we hear an objection to the expenditure of a needed small sum of money to furnish information to Members, whose speeches are rewritten by the reporters in nine cases out of ten, because if they were taken down and transcribed, literally and sent to the public in that form they would in many cases be a sad mess. [Laughter.]

I am glad we have a fine lot of reporters here and that they have a lot of expert transcribers, because as the manuscript comes back to us it looks like a literary gem compared with what it was when it was uttered. [Applause.] So I have some sympathy with the demands of the reporters, because they have made it possible for some gentlemen here to appear in the rôle of polished orators, when sometimes they have not uttered a sentence grammatically correct in the course of what they had to say upon the floor. They have been thought to have some literary ability, due altogether to the fact that the reporters know what words to use when Members fail to use the right words. [Applause.] Of course, there are exceptions to that rule; but there are some people here who use worse English than I do, and I think in the interest of good order and good custom and good grammar and in the interest of spreading the impression among the people to the effect that Members of Congress are really what they are not, why, we ought to pass this resolution without any further talk about it. [Applause.]

The SPEAKER. The question is on the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The question was taken, and the amendment was rejected.

The SPEAKER. The question is on the resolution offered by the gentleman from Georgia [Mr. PARK].

The question was taken, and the resolution was agreed to.

On motion of Mr. PARK, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

NORMAN E. IVES (H. REPT. NO. 525).

Mr. PARK. Mr. Speaker, I offer the following resolution.

The SPEAKER. The gentleman from Georgia offers the following resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 308.

Resolved, That there be paid out of the contingent fund of the House \$1,400 to Norman E. Ives for extra and expert services to the Committee on Invalid Pensions during the first and second sessions of the Sixty-fifth Congress as assistant clerk to said committee, by detail from the Bureau of Pensions, pursuant to law.

Mr. PARK. Mr. Speaker, I ask that the report be read.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The Committee on Accounts, to whom was referred resolution No. 308, has considered the same. This is the customary resolution for the person assigned to this committee and provides the same amount allowed in the Sixty-fourth Congress. It is ordered that the resolution be reported to the House with the recommendation that it do pass.

The SPEAKER. The question is on agreeing to the resolution.

Mr. STAFFORD. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. STAFFORD. To ask the gentleman to yield for a question. Do I understand that this is the same amount that has been voted to this clerk in former Congresses?

Mr. PARK. Yes, sir.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. PARK, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

WILLIAM M'KINLEY COBB (H. REPT. NO. 523).

Mr. PARK. I also present the following resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 310.

Resolved, That there shall be paid out of the contingent fund of the House \$1,200 to William McKinley Cobb for extra and expert services rendered to the Committee on Pensions during the first and second sessions of the Sixty-fifth Congress as assistant clerk to said committee by detail from the Bureau of Pensions pursuant to law.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. PARK, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

#### INCLUSION INTO MILITARY SERVICE OF CERTAIN CLASSES.

Mr. DENT. Mr. Speaker, I desire to report a disagreement between the conferees on the part of the Senate on Senate joint resolution 123, the quota resolution, for printing under the rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Conference report on joint resolution 123, providing for calling into the military service of certain classes of persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. DENT. I will.

Mr. GARRETT of Tennessee. Was this conference requested by the House or the Senate in the first instance?

Mr. DENT. It was requested by the Senate and agreed to by the House.

Mr. GARRETT of Tennessee. The House has the papers?

Mr. STAFFORD. Is the gentleman presenting this for printing under the rules?

Mr. DENT. That is all.

The SPEAKER. It will be printed under the rules.

#### DISARMAMENT ON THE GREAT LAKES.

Mr. MILLER of Minnesota. Mr. Speaker, I ask unanimous consent that I may proceed for 10 minutes.

The SPEAKER. The gentleman asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. KITCHIN. Mr. Speaker, reserving the right to object, and I am not going to object, I hope that will be the only request this morning, because we are anxious to get into the mining bill and very anxious to finish it up this afternoon so that we can carry the vote over until Monday.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. KITCHIN. I will.

Mr. MOORE of Pennsylvania. Will the gentleman consent to me having one minute following the gentleman from Minnesota?

Mr. MILLER of Minnesota. I will yield one minute to the gentleman.

Mr. HEFLIN. Mr. Speaker, reserving the right to object, what subject is the gentleman going to discuss? And, more especially, I want to know what subject the gentleman from Pennsylvania [Mr. MOORE] is going to discuss.

Mr. MOORE of Pennsylvania. I wanted to make some reference to the necessity for hospitals to take care of our wounded soldiers.

Mr. HEFLIN. I have no objection.

The SPEAKER. Is there objection to the gentleman from Minnesota [Mr. MILLER] having 10 minutes, and yielding 1 minute of that time to the gentleman from Pennsylvania [Mr. MOORE]? [After a pause.] The Chair hears none.

Mr. MILLER of Minnesota. Mr. Speaker, 100 years ago tomorrow President James Monroe, by proclamation, published and put into effect a treaty that had been negotiated by Mr. Rush, our Secretary of State, and Mr. Bagot, the British minister to the United States, and which had been confirmed by the Senate of the United States. This treaty decreed that neither Great Britain nor the United States should maintain an armed fleet upon the Great Lakes. It attracted very little attention at the time. Events recently at hand have given it a great significance, and I think this one-hundredth anniversary is entitled to a moment's consideration. This was practically the first disarmament treaty of modern times, and the only one that has proven effective. It was not believed at the time by either party that it would be lasting over an extended period of time. It was an experiment. As a matter of fact, its very terms stated that it could be abrogated by six months' notice on the part of either side.

One hundred years have come and gone and that treaty is still in force. It is in force to-day stronger than ever before, because it is backed up by the sentiment of the entire people on each side of the line. We have come to realize that it is possible for two Christian, civilized nations to live side by side without pointing a musket at each other's breast. The boundary line between Canada and the United States, geographically, will continue always to exist, but peace, amity, concord, and good will, the one nation to the other, will last throughout all time. [Applause.]

We are now comrades in the great struggle to make this world a place wherein free men can dwell, and when the day of peace shall have come we will be comrades in the effort to preserve the peace of mankind, that the horrors of war shall be known no more, and that justice and good will may characterize the relations between the nations of the earth.



We now know that two nations that are actuated by a sense of justice, fair dealing, and good will can live in peace and harmony side by side. Canada and the United States, therefore, have set a great example to the world, and one that may serve to guide us in the years that may follow at the conclusion of this war.

I have long been one of those strongly in favor of a great military establishment for the United States. I have, in the years that I have been privileged to vote, always voted for the greatest number of battleships that could be suggested. I have voted for an increase in our Military Establishment on land at every opportunity that I have had, having in mind the fact that this world consists not entirely of nations that bear to each other good will and a sense of fair dealing. But I have still had in mind that eventually a time would come when the nations of the world would be actuated in their relations toward each other by those lofty motives that should actuate men in their daily lives as neighbors, and when that day shall have arrived the time for great fleets will have passed. The Great Lakes, in the heart of the American continent, form the greatest highway of commerce in the world. The ships of war are there seen no more, but the ships of peace, trade, and commerce move back and forth upon the broad, beautiful waters of those lakes and constitute material evidence of the fruits of peaceful industry, enjoyed by the peoples on both sides of the boundary line. The agreement that neither side should maintain armed ships on the Great Lakes has meant much to both nations. Were it not for that treaty we would have been compelled to maintain a great Navy in that quarter, one that would have cost us hundreds of millions of dollars. Its creation and maintenance would have prevented building and keeping on the ocean our present mighty fleet. Our naval strength by being concentrated on the ocean has been vastly augmented by this treaty. Russia has maintained a fleet on the Black Sea and on the ocean, and has never been a first-class sea power.

After Great Britain had completed the Suez Canal and it was opened to the commerce of the world, the world began to use it, and was amazed after half a century of its use—nearly half a century—to find that the tonnage there carried had risen to the magnificent total of about 22,000,000 tons annually.

Just before this great war broke out the commerce through the Suez Canal had increased to nearly 30,000,000 tons. The commerce through the "Soo" Canal, connecting Lake Superior with the Lower Lakes, now each year is above 90,000,000 tons, by all odds the greatest commerce to be found on any one spot in the world. At the western extremity of the Great Lakes is a city not as large in size as many on the Great Lakes, but it now has the distinction of having the greatest maritime commerce of any city in the world with the exception of one.

My good friend from North Dakota [Mr. Young] has to-day introducing a bill recognizing the one-hundredth anniversary of the event to which I have called attention, and in that bill he proposes to erect a memorial to this long period of peace and good will that has existed between the two nations. By reason of this treaty and of this period of good will the great commerce on the Great Lakes has been possible, and while we should bend every conceivable energy in the direction of making ourselves in a military way the strongest power in the world at the earliest possible moment, let us not lose sight of the fact that nations can dwell in peace and harmony without arms and without ships of war. In general disarmament alone lies the safety of small nations. For a long time we must be prepared, but I believe we can begin to see the dawn of a better day, and this example that Canada and the United States have set—I might say that Great Britain and the United States have set—let it not fade from our conscience and our thoughts in the peace days that are to follow. [Applause.] Let it be strongly suggestive to us when this greatest war in the history of man shall have ended with the complete triumph, as I believe, of the principles of humanity, Christianity, freedom, and liberty, that the day then will have come when we can begin to break up our swords and melt our cannon and dwell together, the nations of the world, in peace, good will, and harmony. Then there will in truth be realized that millennium for which we have fought and toward which we are fighting our way—the one England's greatest poet saw when he wrote "the parliament of man and the federation of the world." [Applause.]

Mr. MOORE of Pennsylvania. Mr. Speaker, I regret to say there is an increased demand for hospital accommodations in this country for our sick and wounded soldiers returning from the fighting fields of France. It gives me satisfaction in this connection to have read at this time the letter which I send to the Clerk's desk.

The SPEAKER. The Clerk will read it.

The Clerk read as follows:

PHILADELPHIA LODGE, No. 2, B. P. O. ELKS,  
Philadelphia, Pa., April 26, 1918.

HON. J. HAMPTON MOORE,

House of Representatives, Washington, D. C.

DEAR BROTHER MOORE: At a session of Philadelphia Lodge, No. 2, B. P. O. Elks on the 23d instant, by a unanimous vote, the trustees were directed to tender to the United States Government its home, No. 1320 Arch Street, Philadelphia, for hospital use during the war and as long thereafter as it may be required.

You being a member of No. 2 are requested to make this tender on behalf of the lodge and its trustees.

Fraternally, yours,

PHILADELPHIA LODGE, No. 2, B. P. O. ELKS,  
JOHN C. BREWIN,  
Secretary for Trustees.

[Applause.]

Mr. MOORE of Pennsylvania. Mr. Speaker, appreciating the spirit of the Philadelphia Elks, as shown in the letter of Mr. Brewin, I have transmitted this letter to the Secretary of War and to the Secretary of the Navy, asking for their careful consideration. Philadelphia Lodge, No. 2, I believe, is the oldest lodge of the many which now make up the great body of Elksdom. It has been actively engaged during the war in patriotic and benevolent work and seeks to be of still greater service, as evidenced by this tender of its splendid headquarters for the amelioration of the condition of our sick and wounded soldiers and sailors.

I ask unanimous consent, Mr. Speaker, to extend my remarks briefly.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

#### EXTENSION OF REMARKS.

Mr. NOLAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing a telegram received from the San Francisco Labor Council, answering certain comments that appeared in the Record recently regarding the position of that body on the Mooney case.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the Record by inserting a telegram from San Francisco about the Mooney case. Is there objection?

Mr. WALSH. Reserving the right to object, the statements which the gentleman refers to were not contained in any proceedings of the House?

Mr. NOLAN. No.

Mr. WALSH. Then I object.

The SPEAKER. The gentleman from Massachusetts objects.

#### THE LATE REPRESENTATIVE JONES, OF VIRGINIA.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent that the House set aside Sunday, the 26th day of May, for addresses on the life, character, and public services of my late eminent colleague, WILLIAM A. JONES, a Representative of the Commonwealth of Virginia.

The SPEAKER. The gentleman from Virginia asks unanimous consent to set aside Sunday, May 26, to memorialize the late Representative WILLIAM A. JONES, of Virginia. Is there objection?

There was no objection.

#### MINERALS AND METALS FOR WAR PURPOSES.

Mr. FOSTER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11259, the mining bill.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 11259. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Virginia [Mr. SAUNDERS] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11259, the mining bill, with Mr. SAUNDERS of Virginia in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11259, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 11259) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported, or of which there is or may be an inadequate supply.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. That, from time to time, whenever the Secretary of the Interior, with the approval of the President, shall find it essential to license the manufacture, storage, mining, distribution, or use of any necessities, in order to carry into effect any of the purposes of this act, and shall publicly so announce, no person shall, after the date fixed in the announcement, engage in or carry on any such business specified in the announcement of mining, manufacture, storage, distribution, or use of any necessities as set forth in such announcement, unless he shall comply with license regulations issued pursuant to this section. The Secretary of the Interior is authorized to issue and revoke such licenses and to prescribe regulations for the issuance and revocation of such licenses and requirements for systems of accounts and auditing of accounts to be kept by licensees, submission of reports by them with or without oath or affirmation, and the entry and inspection by the duly authorized agents of the Secretary of the Interior of the places of business, correspondence, papers, books, and records of licensees. Whenever the Secretary of the Interior shall find that any royalty, charge, price, commission, profit, or practice of any licensee is unjust, or unreasonable, or discriminatory and unfair, or wasteful, or causing waste, and shall order such licensee within a reasonable time fixed in the order to discontinue the same, unless such order, which shall recite the facts found, is revoked or suspended, such licensee shall, within the time prescribed in the order, discontinue such unjust, unreasonable, wasteful, discriminatory and unfair royalty charge, price, commission, profit, or practice. The Secretary of the Interior may, in lieu of any such unjust, unreasonable, wasteful, discriminatory and unfair royalty, charge, price, commission, profit, or practice, find what is a just, reasonable, nondiscriminatory and fair royalty, charge, price, commission, profit, or practice, and in any proceeding brought in any court such order of the Secretary of the Interior shall be prima facie evidence. Any person who willfully fails or refuses to discontinue any unjust, unreasonable, wasteful, discriminatory and unfair royalty, charge, price, commission, profit, or practice, in accordance with the requirement of an order issued under this section, or any regulation prescribed under this section, shall, upon conviction thereof, be punished by a fine not exceeding \$5,000, or by imprisonment for not more than two years, or both, and in addition, shall pay into the United States Treasury the full amount of any excessive royalty, charge, price, commission, or profit which he may have received in violation of any such order or regulation.

Mr. ANDERSON. Mr. Chairman, I move to strike out the last word. I think all of us desire that the administration may have every power that is necessary or even convenient for the successful prosecution of the war. But this bill contains many new and some very curious propositions which do not seem to be in entire keeping with either a proper legal theory or a proper carrying out of the powers conferred in the bill. The section under consideration follows to some extent the licensing provision of the food law. I wish it followed it to a greater extent than it does; because it seems to me that in the parts in which it has been changed, this section is less workable than the license section of the Food Administration law. I call attention to the fact that the first part of this section provides that no person shall carry on the business prescribed in it unless—and this is the language to which I desire to call particular attention—unless he shall comply with the license regulations issued pursuant to this section.

Now, the language to which I have called attention does not provide that a person engaged in this business shall not carry on the business unless he obtains a license, and nowhere in this section and nowhere in the law is it made an offense to carry on a business referred to in this section without obtaining a license. The Secretary is authorized to revoke a license; but how can he revoke a license if the law does not require a person engaged in the business to have a license? It seems to me that this section is obviously defective in this particular, because it is not equivalent to requiring a license to say that he shall not carry on the business unless he shall comply with license regulations issued pursuant to this section. And this is particularly true when the section does not provide any penalty for carrying on a business without a license. The final four or five lines of this section are entirely new, and I think similar language can not be found in any Federal statute now on the books. It provides as a penalty—

Mr. MOORE of Pennsylvania. Before the gentleman leaves the license feature I would like to ask him a question. Has the gentleman finished with that?

Mr. ANDERSON. I did not intend to discuss it any further at this time.

Mr. MOORE of Pennsylvania. It occurs to me that there might be a further discussion of the advisability of leaving open for private enterprise such operations as private operators might carry on during the war.

Mr. ANDERSON. Of course, under this provision, if licenses are required at all, I take it that licenses would have to be required from all of those engaged in a particular line of business. That is, a license could not be required of one man engaged in the manufacture of one of the articles specified here and not required of another man engaged in the same line of business. Licenses ought to be required of all the persons engaged in a certain line of business as a class. Otherwise this provision would obviously be without legal basis.

Mr. MOORE of Pennsylvania. I do not say that the gentleman's criticism is not justified; but here is a bill which, if it was carried out to its full length, would probably suppress private enterprise in the matter of mining and prospecting hereafter, or at least during the period of the war. Ought we to go that far? The Government is going to be the principal purchaser of the products, no doubt. If it is, it has a hold upon any man who undertakes to do business apart from the Government, by simply refusing to buy his product.

Mr. ANDERSON. Of course, the gentleman's suggestion goes to the whole policy involved in this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman asks unanimous consent for five additional minutes. Is there objection?

There was no objection.

Mr. ANDERSON. No doubt the powers conferred in this bill, as was so well suggested by the gentleman from Indiana in the general debate, can be used, or can be abused, in such a way as to discourage rather than promote the production of the articles specified in it. But, of course, in the exercise of his powers under this license section the Secretary would only require a license, I take it, from the particular classes of business which it was necessary to license in order to effect the purposes of the act; and I suppose he would go no further than was necessary to effect those purposes.

Mr. MOORE of Pennsylvania. If this law applied to investments themselves rather than to the business resulting from investments, I take it that a license by the Government would effectually stop investments that were not licensed. The question is, Do you want to apply that policy so far as to have boycotted by the Government, through the license system, a man who undertakes to do business independent of the Government?

Mr. ANDERSON. I assume in all of this legislation that where you undertake to require a license you must require it of all the persons engaged in a certain line of business as a class, and that you can not require a license from one man engaged in a certain business and not require it of another man engaged in the same line of business.

Mr. MOORE of Pennsylvania. If the gentleman will permit me, suppose the Government does not want the mine that I am operating and does not take it under this bill. I suppose it has that option. Should I not be permitted to go on with my business whether the Government licenses me or not?

Mr. ANDERSON. Unquestionably that is so.

Mr. MOORE of Pennsylvania. If I have not been requisitioned, I am forced to do business on my own account and in competition with the Government. If the Government, by not giving me a license and refusing to take my goods, leaves me stranded with my property on my hands, it seems to me to go further than we intend to go.

Mr. ANDERSON. I assume that if a man comes within the class required to obtain a license under the act, complies with the regulations laid down for that class, he would have a right to a license as a matter of law; that the Secretary could not refuse a license to any person engaged in that class of business for which a license is required, if the person complied with the regulations.

Mr. MOORE of Pennsylvania. If the Secretary could grant a license to one mine operator and refuse it in the case of a competitor, it would be an unfortunate situation.

Mr. ANDERSON. Such an interpretation and application of this provision would be absolutely invalid.

Mr. SLOAN. Will the gentleman yield?

Mr. ANDERSON. I will.

Mr. SLOAN. The gentleman has taken a good deal of interest in this matter, and I would like to know, seeing it has the hall mark of war legislation, whether it comes within any recommendation, oral or written, in any message from the Executive that this is a war measure and as such is desired to be passed by this Congress.

Mr. ANDERSON. I am not a member of the committee, and I do not know what communication the committee may have had from the Executive which resulted in the reporting of this bill. I take it that it is suggested as a war measure, although I think that foundation is, as to a great many products mentioned in the bill, a very flimsy one.

Now, I want to discuss very briefly the penalty part of this section. It is provided:

Any person who willfully fails or refuses to discontinue any unjust, unreasonable, wasteful, discriminatory, and unfair royalty, charge, price, commission, profit, or practice, in accordance with the requirement of an order issued under this section, or any regulation prescribed under



this section, shall, upon conviction thereof, be punished by a fine not exceeding \$5,000 or by imprisonment for not more than two years, or both—

I have no objection whatever to that penalty. It says further:

and, in addition, shall pay into the United States Treasury the full amount of any excessive royalty, charge, price, commission, or profit which he may have received in violation of any such order or regulation.

In the first place, the penalty here imposed is so indefinite that it ought not to be contained in any criminal statute. What does excessive royalty mean? Does it mean the entire royalty which may be charged, or does it mean the royalty in case of a man—

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON. I ask for five minutes more.

Mr. FOSTER. How much time does the gentleman want?

Mr. ANDERSON. I have no disposition whatever, as far as I am concerned, to delay the passage of the bill. I do think that these new and absolutely novel propositions at least require some sort of explanation from the committee, and I am simply directing attention to them in order that the committee may answer the doubts which I have expressed.

Mr. FOSTER. We will do the best we can, but we have not yet had a chance.

Mr. ANDERSON. I am going to give the gentleman a chance very soon.

Mr. FOSTER. How much time does the gentleman desire?

Mr. ANDERSON. I think we will get along just as fast if we do not undertake to limit the time at this stage of the proceedings.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. ANDERSON. Mr. Chairman, I want to say to the gentleman that we spent several days on the food-control bill, and that bill was infinitely less drastic and infinitely less comprehensive and contained powers very much less broad than this bill contains.

Mr. HAMLIN. Will the gentleman yield?

Mr. ANDERSON. I will.

Mr. HAMLIN. I may suggest something that the gentleman may want to refer to. In regard to the penalty section, we had before the committee Mr. Hoover, who has been engaged in executing the law reported from a committee of which the gentleman is a member, and he said that the license section in the food bill was in a way a failure, because it did not contain any penalty except the right to revoke the license. He said that was entirely too drastic, except in the most unusual and exceptional cases. He said under that you could destroy everything in the shape of business that a man had built up for years. From his experience he recommended strongly a penalty section that might be used in lieu of the revocation of the license. And then he said if you had a fine the opportunity for profiteering might be so great that a fine of \$5,000 would be paid without any hesitation and without any loss, as the profits might be worth \$100,000. Therefore we thought that there ought to be added to it the provision that the profits he made in addition should be forfeited to the Government.

Mr. ANDERSON. I do not object to the penalty at all. I think such a penalty is entirely in keeping with the offense. I do question that the committee has so drawn the penalty as to make it a legal penalty or an enforceable penalty. In the first place, of course, if the Secretary of the Interior establishes what is a legal charge for a licensee, and a licensee charges a higher price any person injured, by that very fact, would be entitled to a recovery from the licensee of the excessive charge. Does the Government have the same right? It has no property interest in the amount which has been charged in excess of the legal standard. If this is a criminal penalty I say that its language is so indefinite and the amount of the penalty so undetermined that it ought not to be in any criminal statute in the form in which it appears here. I say that it is very doubtful at best if it does not place the individual in double jeopardy, because the amount of this penalty can only be ascertained by a judicial trial by the determination of the amount in court, and that can not be had in a criminal prosecution or a criminal trial. It would have to be determined in a separate trial for that purpose. If it is a criminal penalty, of course, if the man had already been fined or imprisoned for the act it would be double jeopardy. If it is a civil penalty, which applies only for the benefit of the person from whom the illegal charge is taken, then it is not double jeopardy, because it is simply a civil action on the part of the person from whom the excessive charge has been taken to recover the amount he is entitled to recover.

I merely direct the attention of the committee to this because it seems to me that in the form in which this penalty is now

worded it may entirely defeat the purpose that the committee has in putting it into the law and may prevent the enforcement of the entire statute.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. GORDON. Betting is made unlawful by statutes in most of the States. Does the gentleman think a penal statute which imposes a penalty of fine and imprisonment and also forfeiture of any amount won would be a double jeopardy?

Mr. ANDERSON. Forfeiture to the State?

Mr. GORDON. Yes.

Mr. ANDERSON. I think so, if it involves a separate trial for the purpose of ascertaining the amount.

Mr. GORDON. How would that affect the question of jeopardy? The second trial would be in the nature of a civil action brought by the State to recover the amount adjudged to be paid.

Mr. ANDERSON. In my judgment the State has no property right in that money.

Mr. GORDON. It can create one by statute.

Mr. ANDERSON. I do not think it could, because the Constitution provides that you can not take property without compensation, and money is property.

Mr. GORDON. You can take it as a penalty.

Mr. ANDERSON. If you take it as a criminal penalty, that makes double jeopardy.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. FOSTER. Mr. Chairman, the committee spent some time in discussing this section, and also had Mr. Hoover before it, who is the Food Administrator, and who has the administration of that law. He discussed it very freely. He said this is an important section. He believed in the licensing system to a certain extent, but he believed that everyone ought to be licensed by proclamation. His reason for that was that if that was made so it would save the work in his department of several hundred clerks.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. LONDON. Licensing by proclamation was intended to do away with the necessity of making individual applications for licenses.

Mr. FOSTER. Certainly. He also said this, that merely to fine a man who was profiteering in articles necessary during the war is not a sufficient penalty. He gave an illustration of one man who was operating, as I remember, a flour mill. He said a man might be making \$150,000 by profiteering, and to fine him \$5,000 would not amount to anything; that he would still have \$145,000 left; that he could pay the fine and go ahead and have that much profit.

Mr. ANDERSON. Put him in jail.

Mr. FOSTER. Yes; put him in jail, too, if necessary. But he said one of the best things suggested in this bill was that the man should give up the illegal profit that he had made; that it should be taken away from him. I think in the administration of the food law they have instituted some sort of system by which a man does give up his profit, putting it into the Red Cross or some other organization. He said that the last thing that ought to be done in this country was to take away a man's license to do business, but if you could have a provision that would take away the profit he gets in an illegal way you would accomplish better results than by fining him or taking away his license.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. ANDERSON. The question in my mind is whether this profit ought to be confiscated for the Government, or confiscated and taken in the name of the persons who have been injured.

Mr. FOSTER. That would be pretty hard to do, there might be so many of them; but it is a question whether it ought to be with the Government and go into the Treasury as miscellaneous receipts. After his experience in administering the food law, it was his judgment that to take away the excess profits would be the most effective weapon there was.

Mr. ANDERSON. I quite agree with the gentleman, and I hope it may be done, but I would like to direct the gentleman's attention to the other matter to which I referred, and that is that in this section there is no provision which requires a person to have a license before doing business, that makes it unlawful to do business without a license.

Mr. FOSTER. No; and it was not intended, possibly, that it should be. The licensing system may not be used at all under this bill. If it becomes a law it is likely that they may license nobody, but the provisions of profiteering apply just the same whether a man be licensed or not. That does not make any difference. As compared with those who are licensed under the

food bill, under this bill there would be but few who would be licensed.

Mr. ANDERSON. I would call attention of the gentleman right here to the fact that this does only apply to royalties and charges made by licensees. It does not apply to those made by anyone else.

Mr. FOSTER. They would license all of them if necessary. There are not so many of them, so that it would not take so much work.

Mr. ANDERSON. If there is no penalty against not having a license, men will not take a license. They will do business whether licensed or not.

Mr. FOSTER. Well, I do not think it is material whether there is a license or not.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. FOSTER. I will.

Mr. SANDERS of Indiana. This provision which requires proclamation prior to the time a person may observe the license regulations really provides for licensing everyone engaged in that particular occupation, does it not?

Mr. FOSTER. That is also true; it amounts to the same thing; but no formal license is issued.

Mr. SANDERS of Indiana. Is not there some confusion about the question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. Mr. Chairman, I ask that the gentleman be given two minutes more.

Mr. STAFFORD. Make it five minutes.

Mr. FESS. I want to ask one or two questions.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SANDERS of Indiana. Is not the word "license" used with two different meanings, one that the license is an actual paper to exhibit the fact that a person is licensed to do a certain thing and the other is the general license which is a leave granted to do a particular thing?

Mr. FOSTER. I was coming to that.

Mr. SANDERS of Indiana. If there is a general proclamation, then everybody by virtue of that proclamation is a licensee, although he does not have a piece of paper.

Mr. FOSTER. That is right; that is the intention of the committee.

Mr. SANDERS of Indiana. And the license regulation may be issued requiring each of those licensees to comply with those regulations.

Mr. FOSTER. My recollection is Mr. Hoover said this to us, that it did not matter whether a man had a piece of paper in his hand showing that he was licensed under the food bill, but when the President, as the gentleman from Indiana said, issued his proclamation, together with the license regulations, that those are the regulations that are referred to here. The mere fact of the physical possession of a piece of paper will not amount to anything, but it will be carried in that proclamation to be issued by the President; so we added that, but it is not intended to have this license so that it should be dragged out—

Mr. ANDERSON. But is it not necessary to have in the law a provision—it does not make any difference whether you have a paper license or not—but is it not necessary to provide that no person engaged in a particular business shall continue without being included in the class that is licensed?

Mr. FOSTER. He must comply with those regulations, and no person after that date shall engage in this business without that.

Mr. ANDERSON. I do not think it does so provide.

Mr. CANNON. Will the gentleman yield?

Mr. FOSTER. I will.

Mr. CANNON. I do not see any necessity for any license. Why do not you strike out all about license and give the President power by proclamation to do certain things? Does the gentleman suppose he would have to have a license? What is the purpose of lumbering up the bill and the law?

Mr. FOSTER. There is something in what my colleague says—of course there is—and what we tried and hoped was that by providing by proclamation of the President that he would set out the regulations, and that should cover all this section.

Mr. CANNON. You make certain things unlawful in the legislation, do you not?

Mr. FOSTER. Yes, sir.

Mr. CANNON. Then the President can make regulations by proclamation. Why do you not say so and drop all the stuff out about license?

Mr. FOSTER. That might be done.

Mr. HAMLIN. If the gentleman will permit, I think there would be some question about the right of the President to issue regulations to Tom, Dick, and Harry over the country without

by some system of licensing bringing persons under authority given to the President to regulate these different businesses. But I can see another reason. It may become necessary to examine the books of these different concerns and require certain reports to be made by certain agencies, but I think there would be some doubt about governmental agents having the right to go into a concern that is not licensed by the Government and demand the right to examine their books and investigate their accounts, and so forth, to determine whether they are making these excessive charges.

Mr. CANNON. If you give the Government such power by license, you can give the Government such power by law.

Mr. HAMLIN. Certainly; but it is just as easy to give it by license as by law or regulation, because these licenses provided here are done by proclamation and regulation, so one road seems to be as short as the other.

Mr. FOSTER. The committee was trying to get it as short as they could by providing license regulations by proclamation.

Mr. GARLAND. Mr. Chairman, I just desire to read the words of Mr. Hoover with reference to this subject.

Our view of simplifying the administrative part of this would be to alter that to the intent; that every man should be considered to hold a license under the presidential proclamation. We have the mechanical difficulty of having to receive applications from every man in a given trade, and to send him an actual document of license, as the act reads now; and at the present moment I think we have 750 clerks engaged in nothing but that purely mechanical, red-tape operation of exchanging documents with the trade; and there is nothing, to our mind, effective particularly about a man possessing a document saying that he is licensed. The presidential proclamation could carry that same intent and declare that they are all actually under license, and that then if they carried on business in violation of these practices or the regulations laid down under them, that his license to do business is rescinded. I am only trying there to get over the purely red-tape difficulty of mechanical operation.

We did believe, and I believe now, that it is necessary to have the right men working in that particular business. It shows a closer touch to the work that the Government is carrying on. Merely the proclamation making him a licensee puts him in that position. It is not necessary, then, to send documents to him and keep a great force of clerks for that purpose. But you have an opportunity to call him in in case of violation much better than you would have without that provision as to the licensee.

Mr. FOSTER. It seems to me, Mr. Chairman, the committee has gotten away from the whole license system in the formal way as far as it can get under this bill without you simply say that every man who does business shall be licensed by proclamation. There are probably not 50,000 producers, and all that, of these minerals.

Mr. STAFFORD. Will the gentleman yield?

Mr. FOSTER. Yes.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FOSTER] has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. This paragraph authorizes the Secretary of the Interior to determine what is a reasonable price for the respective minerals designated in section 1 for which licenses are to be authorized. I wish to inquire of the gentleman what determines the reasonableness of the profit stated in this paragraph, in fixing the price?

Mr. FOSTER. Well, they take into consideration the capital the man has invested in mining, the cost to secure the metals, whatever it may be, and all that, and a reasonable profit on it.

Mr. STAFFORD. The gentleman realizes that with one mine being rich in ore, the cost of operation would be very much different than in these unproductive mines not operated to-day, which would require a much higher price in order to make them a profitable venture. And I assume that the higher price that will be needed to develop the unprofitable mines to-day, so as to furnish sufficient supply in this country to meet the whole market conditions, will be the determining factor on which the price of the commodity is to be determined?

Mr. FOSTER. Oh, no; I would not think so.

Mr. STAFFORD. How else, then, are you going to develop these poor and unprofitable mines that are to-day not being utilized?

Mr. FOSTER. I will say this to the gentleman, that one of these mines might be so poor and difficult to operate that it would be unprofitable, and might make the product so high that you would not want it at all. Now, it does not necessarily mean that they are going to take every mine, however difficult it may be to get that ore or metal to the market. It does not mean that.

Mr. STAFFORD. Take, for instance, the coal industry—

Mr. FOSTER. This does not include coal.



Mr. STAFFORD. Take the actual operation by the Government in trying to fix the price of coal. They have fixed the price based upon the cost of developing the ore from respective zones of mines. They have not fixed a general price throughout the country for a certain grade of bituminous coal, but they have taken into consideration the cost of operation. As I understand, this bill is not purposed to fix different prices for the same commodity, but to fix one universal price the country over.

Mr. FOSTER. Well, of course, the price of manganese that is produced on the Atlantic coast, where probably most of it would be consumed, might be different to what it would be in a section of the United States farther removed.

Mr. STAFFORD. Possibly the cost at the place of consumption may be different, but I am asking this question: Whether it is not purposed by this bill to have one price at the mine for the same quantity the country over?

Mr. FOSTER. Why, I think so.

Mr. STAFFORD. That is not the rule as to fixing the price on bituminous coal. The department recognized the need of fixing the price conditionally, based on the cost of production, which is dependent on the difficulty of extracting the ore from the mine. However, here you are going to run wild and fix one general price, the minimum price, to develop the quantity that is necessary for home consumption, that will be the basic price, and pay that price to the owner who has a profitable mine at a lower price.

Mr. FOSTER. Oh, no. The attempt would be to fix a price that would be fair and reasonable to men who are mining this.

Mr. STAFFORD. The gentleman must recognize that the price, if it is going to be general, will apply differently to different men, unless based on the character of the ore in these respective mines.

Mr. FOSTER. The bill authorizes the fixing of these prices that will be fair and equitable and nondiscriminatory.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last two words in order to make a brief statement. I am asked by numerous constituents to be among the first in the field in an endeavor to "cut in" for them. They seem to feel they are going to have aid in developing mineral properties. I want to read a letter. You must understand that my district is far removed from the National Capital, and the news sometimes reaches there a little late. But the news of this bill has reached the Pacific coast, and some mail is just now coming in to me about it. This is one of the first half dozen letters which I have received:

ABERDEEN, WASH., April 13, 1918.

HON. ALBERT JOHNSON, M. C.,  
Washington, D. C.

DEAR SIR: I notice in the Oregonian that Secretary Lane has recommended to Congress a bill for the purpose of appropriating funds to encourage the development of mining prospects with a view of increasing the production of certain minerals.

Manganese was first on the list. I have a manganese prospect situated near the Olympic Highway, which I have been working on for some years and which I believe the Government would do well to investigate. Kindly give this your attention.

Thanking you, I am,  
Very respectfully,

Now, that is one, I say, of half a dozen letters, and the news has barely reached the miners. A short time ago in considering a bill here we declined to furnish additional secretaries to Members of the House. I am satisfied that when this bill is passed—and it is sure to be passed, inasmuch as it has the proper O. K. and is put forward as a war measure—that mail of the Members from mining States will be loaded with prospects—and many of the prospects will be loaded, also.

Mr. STAFFORD. Can the gentleman furnish any estimate as to the number of applicants from his district alone who will wish to have some Government aid in case this \$50,000,000 wild-chase project is adopted?

Mr. JOHNSON of Washington. That is an interesting question. There will be many, of course. But there comes an additional problem. In my district are three gigantic forest reserves, in which large mineral areas lie. These forest reserves are not under the control of the Interior Department but are under the Agricultural Department. I wonder whether under this bill the Interior Department, desiring to secure manganese and other semiprecious minerals and metals, will go into the sacred preserves of the Agricultural Department's great reserves, the wealth of which seems to be laid aside for posterity, war or no war?

It will become a problem between these two departments just as surely as can be, or rather between two big bureaus of two big departments. I am in hopes that when a certain bill that we learn is now under consideration in another body—the executive coordination bill—is passed, as I am sure it will be, because it, too, is O. K'd, one of the first things that the Presi-

dent will do in an effort to coordinate the affairs of this Government will be to yank the forestry business out of the Department of Agriculture and put it into the Interior Department along with the public lands, where it belongs.

I expect to renew from time to time the presentation of these requests for mineral investigations and experiments. I shall put in the RECORD the following reply of the Director of the Bureau of Mines in reply to the first mining letter:

DEPARTMENT OF THE INTERIOR,  
BUREAU OF MINES,  
Washington, April 25, 1918.

HON. ALBERT JOHNSON,  
House of Representatives, Washington, D. C.

MY DEAR MR. JOHNSON: In reply to your letter of April 20 to the Secretary of the Interior, transmitting a letter concerning a manganese property near the Olympic Highway, which he would like to have the Government investigate:

So far as is known to the Bureau of Mines, no branch of the Government at the present time is extending financial assistance toward mining ores or metals or developing mineral properties.

As you doubtless know, a bill known as the minerals administration bill, H. R. 11259, has been introduced into Congress. This bill is intended to assure an adequate supply and equitable distribution of ores, metals, minerals, and their by-products, which are needed in war work and which are now largely imported. By developing the domestic supplies of such substances, it is desired to release shipping to carry supplies and munitions for the Army. Manganese is one of the metals which will be affected by the provisions of this bill.

The Bureau of Mines is very much interested in this proposed legislation, as it is the belief of the bureau that the minerals administration bill, if enacted into a law, will be of great benefit to the country. Therefore I shall take pleasure in referring your request to that department as soon as it is organized, should the bill become a law.

The Bureau of Mines has a mining experiment station located at Seattle, and I am referring your request to the superintendent of that station, with the request to communicate direct with your correspondent regarding his property.

Mr. Newbury's letter is herewith returned.  
Very truly, yours,

VAN. H. MANNING, Director.

Gentlemen will note that we are going to have a bureau of minerals administration. Just another bureau, that is all, with \$50,000,000 for a starter. It is put forward as a war emergency, but it will be more bureau than war emergency, as we will all find out.

Further, Mr. Chairman, when these bills come down to Congress from the department with the O. K. of the department on them, and some of them with the O. K. of the President on them, I do not see why we do not propose a better plan. Instead of certain Members having in their pockets personal letters signed by the Secretaries of different departments, Cabinet officers, or by the President, to be produced and read on the floor of the House at the psychological moment in order to press the bill over, would it not be better for the bill to have printed on its very first page the legend, "Approved by the President of the United States," or "O. K'd by the Secretary of the Interior," and then "Reported out by the chairman of such and such a committee," and thus save us all this labor and detailed discussion?

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. MOORE of Pennsylvania. The question has been raised here time and time again, and no one has answered whether the President is for this bill.

Mr. JOHNSON of Washington. I think he is; and if he is, it should be shown on the first page instead of waiting until it is passed by both Houses and then showing it on the last page. Let the "Approved by the President" come right along with the bill.

Mr. MOORE of Pennsylvania. I have not been able to find anybody who will tell us that the President is for this bill.

Mr. LONGWORTH. Did not the Secretary of the Interior say so?

Mr. JOHNSON of Washington. Yes. Now, Mr. Chairman, every department in this Government is striving for more power and more money. This bill involves a \$50,000,000 appropriation. I will venture the assertion that the real proponents of this bill are sitting in the gallery at this moment and that they come from the Bureau of Mines. Oh, I will vote for the bill, but I hope to see it trimmed, and I advise the holders of all kinds of dead mining stocks held by people throughout the East to make haste and dig them up from their trunks and garrets and hang onto them, because if, after having tried to develop these interests, we find them taken over or developed under Federal control and a revolving fund provided, the stock therefore may be galvanized into some value.

Mr. MOORE of Pennsylvania. Does the gentleman think these stocks will go up to par?

Mr. JOHNSON of Washington. Oh, no; from 20 points below nothing to par is too much to expect even under this bill.

Mr. STAFFORD. Does the gentleman think this is a stock-jobbing provision?

Mr. JOHNSON of Washington. Well, more jobs in a bureau, perhaps. I suggest that little cabins be built out in that country for innumerable governmental prospectors, so that they may be housed comfortably while pursuing their work. Also nice Government houses here in Washington for gentlemen who may be called here to help inflate the Bureau of Mines.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. FOSTER. Mr. Chairman, I am somewhat surprised to hear gentlemen on this floor speak as they have in the last few minutes. The Shipping Board, as has been stated here, has been removing from certain foreign countries shipping that has heretofore been carrying these important minerals to this country in order that these ships may be used in the more necessary work of carrying troops and supplies to France, where they are so sorely needed. And yet men stand here on this floor—I hope they are simply trying to be humorous, and nothing else—and advocate the keeping of these ships in the foreign service, amounting to more than 400,000 dead-weight tons a year, instead of sending them where we may help to win this war, and we should develop these minerals in our own country, whether it is in the State of Washington, Oregon, California, or any other place.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Pennsylvania?

Mr. FOSTER. No; I can not now.

The CHAIRMAN. The gentleman declines to yield.

Mr. FOSTER. Now, Mr. Chairman, it has been stated here—in a humorous way, I hope—that it is a question whether the President or the Secretary of the Interior may have endorsed this bill. I take it that men who have to look after securing these necessary articles for war purposes ought to have some concern and notify Congress of their opinion as to legislation that will help to secure these necessary minerals for war purposes. It is asserted here that we are to squander \$50,000,000. If there is a proper administration of this money there will not be squandered one cent of the \$50,000,000, but that money will be turned back into the Treasury from whence it came. This is a revolving fund, to buy these necessary articles, and then when the Government sells them the money will be returned to the Treasury of the United States, so that not one dollar need be squandered in carrying out this great work.

We find to-day that it is estimated that more than 10,000,000 tons of nitric acid are necessary for the coming year. We know that they have taken off the ships and there will be after July not more than 10,000 tons of pyrites each month brought to this country, when formerly 1,200,000 tons have been brought in each year, and the amount will be cut down now from month to month and continued at 10,000 tons.

Now, Mr. Chairman and gentlemen, I have no more interest in this war than any other Member or any other American citizen—and I know we are all interested with all our souls—but I have every reason to believe that when this bill is fully understood you will stand with those officials who are endeavoring to secure these necessary minerals in our own country. If the time should come when we should be unable to secure these necessities our war operations must be very much curtailed, and it would be much regretted and would be very unfortunate for us. Everyone knows that munitions can not be made without sulphuric acid. Everyone knows that steel can not be made without manganese, and other articles that are enumerated here are essential. Some of these are used for the purpose of preparing gas shells that go to France.

Are you willing, my friends, to say now that the Government shall be deprived of these materials that make these necessary articles for the war? Are you willing to stand here in this humorous way and discuss this matter lightly when these men have stated to us, through hearings before our committee, that it is necessary that we should have these necessities for making munitions of war? I have no more interest, I repeat, than you or any other loyal American citizen in this matter, but I appeal to you because men have talked with me in the last few days who have charge of this matter and have urged the vital necessity of this legislation and asked that it be speedily passed.

Are you willing to get up here and say that this is to open up some worthless mines and make the stock of those mines worth more money; that this is to make valuable some worthless stock and bring it up to par? Are you willing to trifle with these necessary articles that enter into the production of the shells that go to the boys across the seas? If you are, defeat

this bill, and in six months' time we may be in a position where we will not have these articles to carry on the war.

I warn you that that may be the situation if you defeat this bill. These boys in France depend upon us to send to them the supplies which they need. I am determined to do all I can to see they have everything necessary to efficiently equip them. We have taken the shipping, and rightfully so, carrying these necessary minerals from foreign countries—taken the ships off that work and put them to work in carrying supplies to support the gallant soldier boys across the seas.

My friends, are you going to say now that you will take back those ships, take them from the work of carrying troops and supplies to France, and put them on the route between Spain and the United States to carry pyrites, and between Brazil and the United States to carry manganese, when these minerals can be developed in our own country in sufficient quantities if only some organization is provided and some help is given? My friends, are you going to do this? If you are, then go ahead and defeat this bill. But if you are not, let us pass this bill and give the Government the right to secure these necessary minerals that they need for war purposes. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LONGWORTH. I ask unanimous consent that the gentleman's time may be extended in order that he may answer a question.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the time of the gentleman from Illinois be extended two minutes. Is there objection?

There was no objection.

Mr. LONGWORTH. The question has been raised a number of times on the floor as to whether or not the President approves of this bill. I find on page 11 of the hearings a statement by Secretary Lane in response to a question asked by the gentleman from New York [Mr. LONDON]:

Mr. LONDON. Mr. Chairman, the Secretary I presume has prepared this bill.

Secretary LANE. Yes; it was prepared in my office. I do not know its details. I have looked it over and given my general approval of it, and so has the President.

I should like to ask the gentleman if he knows when the President did signify his approval?

Mr. FOSTER. I do not know whether I have authority to state that; but I do know, and I say this to the House, because I think the Members out to know, in view of that statement of Secretary Lane—

Mr. LONGWORTH. Inasmuch as the question has been raised?

Mr. FOSTER. My understanding from Secretary Lane was that the President read this bill, and the Secretary states there that he gave it his approval, believing that it is urgent and necessary. The Committee on Mines and Mining took more interest in this than you have because it was referred to it, but in the end we have no more interest than you and other good American citizens. We did not initiate this legislation. It came to us through the regular channels, from those who have the business of hunting up and seeing to it that the Government is supplied with the materials necessary to carry on the work of the war. I know what Secretary Lane has said there is correct. Now, that is the fact, gentlemen, and as I say, the Committee on Mines and Mining have no more interest in this bill than you have. They have just as much interest. The Committee on Mines and Mining is anxious to do what is for the best interest of the country, as I know you all are.

Mr. MOORE of Pennsylvania. Will the gentleman yield now?

Mr. FOSTER. Yes.

Mr. MOORE of Pennsylvania. Does the gentleman think it is unfair for Members of this House, who ordinarily would not vote for a bill of this kind, and who know they ought not to vote for it unless it is a war measure pure and simple, to inquire whether or not it has the indorsement of the President of the United States, in whom we are placing our trust?

Mr. FOSTER. The gentleman—

Mr. MOORE of Pennsylvania. The gentleman has not answered that question. He did not answer the gentleman from Ohio [Mr. LONGWORTH]. The gentleman from Ohio asked him the plain, blunt question whether the President of the United States approved this bill, and the gentleman from Illinois has not answered directly.

Mr. FOSTER. Secretary Lane says that he has approved it. That is good enough word for me.

Mr. MOORE of Pennsylvania. It seems to me we ought to back the President. If we had a suspicion that gentlemen working under the President, who can not give personal attention to all these matters, were springing a scheme upon the Congress of the United States to take out of the Treasury



\$50,000,000 or any other sum, it would be entirely proper for us to ask that question.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FOSTER. I ask for just two minutes more, and then I shall be through.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. FOSTER. I want to say this, that this morning I went down to the office of Secretary Lane to talk to him in reference to the \$50,000,000, and he said to me, "Why, you can say to the House that if this is properly managed there will not be one dollar but what will be returned to the Treasury. If it is left to me, I will do my best to see it is done. It is not the intention to squander \$50,000,000, or to spend it except in this revolving fund." So he wrote a letter addressed to the Speaker of the House of Representatives, calling his attention to it. The Speaker suggested that I read it to the House.

Mr. MOORE of Pennsylvania. This is not the letter that was in the Record this morning?

Mr. FOSTER. No. This letter reads as follows:

THE SECRETARY OF THE INTERIOR,  
Washington, April 27, 1918.

Hon. CHAMP CLARK,  
Speaker of the House of Representatives.

MY DEAR MR. SPEAKER: The Foster bill, which is now before you, seems to me one that should receive the support of those who wish to see this country made as self-sufficient as possible at this time. Why should we use ships to bring minerals to America which are to be found here but which have not been developed because of the cheapness with which they heretofore have been produced in distant countries? This is the insistent question which seems to me to fully justify this measure. And no one knows what dangers we may run as to our supplies being cut off! This seems to me a wise measure, it may be a vital measure, and I hope for its early passage.

Cordially, yours,

FRANKLIN K. LANE.

Mr. MOORE of Pennsylvania. That brings it back to the point where we started. The Secretary is arguing this case. The Secretary is arguing the question of ships, which the gentleman from Illinois [Mr. FOSTER] argued very eloquently himself a few moments ago. Now, I want to ask him if these ships that appear to be carrying ore here do not carry back supplies to the troops on the other side?

Mr. FOSTER. They do not.

Mr. MOORE of Pennsylvania. Do these ships go back empty?

Mr. FOSTER. They do not.

Mr. MOORE of Pennsylvania. If they do, it would seem to be a reflection on somebody in the shipping business.

Mr. FOSTER. They do not. In order to get this pyrites these ships must carry back a certain amount of coal. They carry this coal back and get the pyrites. We do the same thing with Brazil, so that they do not go back empty. We are keeping on just as few ships as it is possible to get along with between Spain and these other countries.

Mr. MOORE of Pennsylvania. The Secretary having argued this question in this letter to the Speaker, which the gentleman has just read, and it being admitted in that letter substantially, that this is an experiment, something looking to the future, would it not be fair for the Secretary to take less than \$50,000,000 with which to experiment? And if he did so, could he not come back here at any time when an emergency arises, and have the support of Congress if it was found to be necessary?

Mr. LONGWORTH. I understood—

Mr. MOORE of Pennsylvania. Let the gentleman answer that question. Why should he not take a less amount to introduce this experiment and come back again if it is necessary?

Mr. FOSTER. Perhaps that is true, but this money is not spent; it is a revolving fund. I am not saying it would not be best to do that, but it will take a good deal of money, and it will ultimately all go back into the Treasury.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. WINGO. Mr. Chairman, I offer the amendment which is at the Clerk's desk.

The Clerk read as follows:

Page 7, line 10, after the word "order," insert the words "and findings," and in line 11, page 8, after the word "evidence," insert the words "of the facts stated therein."

Mr. WINGO. Mr. Chairman, the amendment proposed will make the language read as follows:

The Secretary of the Interior may, in lieu of any such unjust, unreasonable, wasteful, discriminatory and unfair royalty, charge, price, commission, profit, or practice, find what is a just, reasonable, non-discriminatory and fair royalty, charge, price, commission, profit, or practice, and in any proceeding brought in any court such order and findings of the Secretary of the Interior shall be prima facie evidence of the facts stated therein.

You will notice in the first part of the section you permit the Secretary to make an order declaring any price or practice as

being unfair and discriminatory, and in the next part you authorize him to make a finding as to what shall be a fair and reasonable price. Without the amendment the sentence would be senseless. We had the same thing in the food act, and attention was called to it, but it was not corrected in committee.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. MOORE of Pennsylvania. This is a matter of great consequence in the consideration of this bill from my point of view. If we are short of minerals for the United States to manufacture ammunition, would not the President under general powers conferred on him have a right to commandeer the property controlling the minerals or other products essential to the continuation of the war without this legislation?

Mr. WINGO. I do not think my amendment will change that.

Mr. MOORE of Pennsylvania. No; but I would like to have the gentleman answer my question, if he will.

Mr. WINGO. I am discussing the amendment to the phraseology.

Mr. MOORE of Pennsylvania. Suppose the Hecla mine was needed for war purposes, would not the President have the power to take it over?

Mr. WINGO. The gentleman knows the President's power as well as I do.

Mr. MOORE of Pennsylvania. It raises the question of giving additional powers by the passage of this bill.

Mr. WINGO. Assuming that the President has all the power and could send an army out here and take charge of a mine, whether it be a civilian army or a military army, send the Government agents to dig up and get manganese and these other minerals out of the ground, stripping it of all verbiage, your proposition would mean that this Government should go into the mining business.

Mr. MOORE of Pennsylvania. If we know where the minerals are—

Mr. WINGO. The gentleman has asked a question, now I hope he will let me answer it. The gentleman asked if the President has not the power, and we will assume that he has, how is he going to exercise it? He has got to go and commandeer it and appoint men who have charge of the plant as his agents. That would be true with an established industry, that would be true if we wanted to take over a coal mine or a metal mine fully developed. That would be a different proposition from a practical standpoint. I do not think the gentleman or anyone else wants this Government to go out prospecting and digging up manganese and other mineral deposits.

Mr. MOORE of Pennsylvania. If we want manganese the Government should take it.

Mr. WINGO. Will the gentleman be kind enough to allow me to answer his question. This is the second time he has interrupted me just as I got to the point where I was answering him. I know the gentleman does not intend to be discourteous; but to go over it again, I do not think the gentleman caught what I had in my mind. If the President should exercise this power he has got to use the War Department agency, go out and take an undeveloped or a not fully developed deposit, and you would have the War Department going into the mining business. I agree with the gentleman that as a last resort I would be willing to do it. But I believe the more orderly and the more practical way, and certainly from the viewpoint of our form of Government it occurs to me that the best thing to do is to allow private capital to do it, and if they need any incentive let us give them the incentive and keep the Government out of the business.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WINGO. That is the viewpoint. I think I agree with the gentleman that possibly the President may have the power, but there is a dispute as to what authority he has with reference to these things. I think this much, if you do not pass legislation the President will be compelled to use some of that power, and I think he will do what he has done in the coal business and other business—create an agency which I do not want to see created. To be frank, I think we made a mistake when we took over the coal business and did not place it under the Bureau of Mines. We would have made fewer mistakes and had a more efficient administration of it. I think if you do take it over it ought to be kept with the one branch of the Government having the technical knowledge, and which is efficient and prepared to do it with the least expense, without having another expensive bureau created.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. LONGWORTH. I assume the gentleman means by that that he would have been glad if the price fixing had been left to the Secretary of the Interior rather than to the gentleman now in control?

Mr. WINGO. Oh, I will be perfectly frank with the gentleman. I am utterly disgusted with the way the coal situation was handled, and I do not believe it would have been handled in that way if Mr. Manning, the Director of the Bureau of Mines, and his efficient force, that has every coal mine in the United States located, had been in charge. Some of the things that we have complained of I do not believe would have happened—not that Dr. Garfield has not done the best he knew how; but take any man—you have to get certain things by experience, and you can not get them in any other way.

One reason why I am standing by this bill is that it will confine our operations with reference to getting these minerals that we need for war purposes to a bureau that is already established, and not build up another bureau with a lot of expensive employees. That is one reason I am for it.

Mr. ROBBINS. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Not now. That has appealed to me as a practical proposition. I have stated two or three times that I do not like this kind of legislation, but I have agreed to it because of the emergency that confronts us, and I do not have to ask the President whether or not the situation that confronts us is an emergency. I think if any man will read the hearings—and those do not disclose all of the information that came to the committee and all of the discussions; I think if any man will read the statistical statement that I put into the Record the other day, I think if any man will take the map that is in last week's issue of the Literary Digest, showing our shipping wasted in handling these minerals, he will not need any suggestion from the President of the United States or anyone else that this is a war emergency that confronts us that has to be met in a practical manner. We must meet it as practical men. I for one am getting tired of "passing the buck" to the President. It is not fair to make him bear every load. I think the American Congress has the intelligence, and it ought to have the courage, to meet the war situations that arise without unloading on the President. [Applause.] I have not the slightest doubt in my mind that the President knows of this emergency and that he favors this kind of legislation, because he keeps up with all our war needs. It is not fair to make him, in addition to the load he has to carry as head of the executive department, also bear the load that we as legislators should bear ourselves. Every time we get a measure here that some Members do not like, they shy off like a mule with a blind bridle and somebody says, "You have got to have the President assume the responsibility or I will not vote for it." I decline to be put in that attitude. Other gentlemen can assume that attitude if they desire, and I say this without any criticism of them. I for myself am going to assume my own responsibility, and when the time comes that I have not intelligence enough to appreciate a practical war emergency that confronts my country or, having the intelligence to comprehend it and not having the courage to meet the emergency without hiding behind the President and unloading the burden on him, then I shall go out and let somebody else take my place.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield? I listened with great interest to the gentleman's powerful argument against the passage of the Overman bill, and I would like to ask him what his attitude is on that?

Mr. WINGO. Oh, I did not make any argument against the Overman bill. I was not making an argument. I was trying to show you the reasons why I was willing to support this bill and bear my part of the burden without calling up the President and asking him to assume the whole burden.

Mr. SANDERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. SANDERS of Indiana. While we have been discussing this the question has come up about the Government going into the operation of these mines. In the gentleman's opinion, has not the mineral situation reached the point where we must choose one or two alternatives? Either the Government shall have to take charge and go into the business or we must adopt legislation of this character.

Mr. WINGO. Certainly; that is the point I tried to make three different times.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. WINGO. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

Mr. ELSTON. Mr. Chairman, I object. There is a motion before the committee, and I would like to vote upon it.

Mr. WINGO. Well, Mr. Chairman, I do not care. The gentleman made a speech and asked the members of the committee to give him information. I have no desire to talk, but in behalf of the committee was trying to answer questions. I am glad that there is one gentleman, at least, who has sufficient information to vote.

Mr. ELSTON. I do not believe that the gentleman has devoted the last five minutes to an argument about the bill.

Mr. WINGO. Possibly not. The gentleman can not comprehend an argument if he hears it, and all of my remarks were prompted by questions of his colleagues.

Mr. WALSH. Mr. Chairman, I am in favor of the amendment proposed by the gentleman from Arkansas [Mr. Wingo]. It is rather noticeable, Mr. Chairman, I think that as long as the members of the Committee of the Whole stand up here and recite pieces or read telegrams or discuss commissioned officers wearing uniforms, and various and sundry other matters that have nothing to do with this bill, the committee sits complacently by and are willing to have the discussion go on. However, the moment any gentleman gets up and seeks to criticize the bill or question the wisdom of its provisions the distinguished chairman of the committee rises and with great emphasis seeks to convey the impression that you are doing that which might give aid and comfort to the enemy. This is a measure that deserves most careful consideration, and merely because the distinguished Secretary of the Interior and an army of witnesses who appeared before the Committee on Mines and Mining say that this is the only way to control the situation is no reason why we should decline to consider the matter and discuss it and listen to debate. Every man, with possibly one or two exceptions, who appeared before that committee was biased, some because they were going to have the administration of the law or have written the measure, others because they are interested in the mining business and will to a certain extent benefit by this legislation. In my view, I believe there exists already sufficient authority under the national defense act for the President to place orders for these minerals and for him to see that those orders are filled, and if the orders are not filled because the people with whom they are placed are not financially able to do it, I submit that under the War Finance Corporation law, which we passed through this House some weeks ago, that such financial assistance can be rendered and that it is not necessary to build up here a great twin-sister organization to the food and fuel control body that has been created.

Mr. FESS. Will the gentleman yield?

Mr. WALSH. I will.

Mr. FESS. Can the gentleman inform us what progress the War Finance Corporation is making in the purposes for which it was created?

Mr. WALSH. I am not advised as to that, but it is a measure which has been passed through the House and which we were given to understand was to assist corporations, individuals, and firms in conducting business which was essential to our active and successful participation in the war, and that is all this measure seeks to do. It seeks to stimulate the production of those things which we need in furthering our war program.

Mr. FESS. And the country was impressed with the fact that the measure was imminent and ought to be passed immediately?

Mr. WALSH. Oh, no delay; there could not be any delay brooked.

Mr. FESS. My query is, whether there has been anything done even in the appointment of the commissioners?

Mr. LONGWORTH. Their names have not been suggested yet.

Mr. WALSH. I do not know as to that.

Mr. JAMES. If the gentleman will read the testimony of Secretary Lane he will find that it is not intended by this bill to render aid to prospectors. They are to go to the war-finance board. We only say to them that in case they produce so much manganese and so much other things, we will give them a price.

Mr. WALSH. Fix or guarantee the price the same as was done with wheat, and they will be in here probably from that section of the country—that is, gentlemen who are most vitally interested in this measure will be in here before the life of this Congress expires asking of us legislation to increase the price over the price that is fixed per ounce of those minerals or per ton under this act, to increase it as we were asked the other day to increase the price of wheat from \$2.20 to \$2.50 per bushel; to legislate to fix prices above that which had been fixed. Now, I believe the members of the committee ought to be willing to have this matter discussed and to listen to suggestions, and if perhaps some gentleman in making suggestions might inject a little humor into the situation, that that might be permitted without members of the Committee of the Whole House on the



state of the Union being accused of trying to stop war preparations or trying to put obstacles in their path.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER. Mr. Chairman, I would like to see if we can not reach some agreement about closing debate on this question.

Mr. MOORE of Pennsylvania. I would like to have five minutes.

Mr. TOWNER. I would like to have five.

Mr. JOHNSON of Washington. I would like to have five.

Mr. DEMPSEY. I would like to have five.

Mr. GRAHAM of Illinois. I would like to have five minutes.

Mr. KINKAID. I would like to have five minutes.

Mr. FOSTER. On this section and all amendments thereto?

Mr. SANDERS of Indiana. I would like to have five on an additional amendment, on the one which I suggested to the gentleman a while ago.

Mr. FOSTER. That is a good deal of time—45 minutes.

Mr. JOHNSON of Washington. I will cut myself to two minutes.

Mr. KINKAID. I will cut myself to two minutes.

Mr. FOSTER. I ask unanimous consent that debate on this section and all amendments thereto close in 50 minutes.

Mr. GARLAND. Will the gentleman state who takes the time?

Mr. FOSTER. I will make it 30 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that debate on this section and all amendments thereto be limited to 30 minutes, the time to be divided as follows. Now let the Chair see if he has the list correctly. Mr. HAMLIN, 6 minutes; Mr. GRAHAM of Illinois, 5 minutes; Mr. MOORE of Pennsylvania, 5 minutes; Mr. JOHNSON of Washington, 2 minutes; Mr. TOWNER, 5 minutes; Mr. NOLAN, 5 minutes; Mr. KINKAID, 2 minutes; Mr. SANDERS of Indiana, 5 minutes. Is that the list?

Mr. FOSTER. Yes.

Mr. KINKAID. I waive my time for the present.

Mr. MOORE of Pennsylvania. Will the gentlemen be recognized in that order, Mr. Chairman?

The CHAIRMAN. The tabulation of the time makes 27 minutes. The gentleman from Illinois asks unanimous consent that debate on this section and all amendments thereto shall terminate at the expiration of 27 minutes, the time to be divided among the gentlemen whose names have been read from the desk. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Chairman, this is a very important section, and this information ought not to fall upon a few ears, and I therefore make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order that no quorum is present, and the Chair will count.

Mr. CANNON. If this is to be considered at all there ought to be some Members here to hear it.

The CHAIRMAN (after counting). Eighty gentlemen are present, not a quorum, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Anthony	Dyer	Hutchinson	O'Shaunessy
Austin	Egan	Jacoway	Overmyer
Bacharach	Edmonds	Johnson, S. Dak.	Padgett
Bankhead	Estopinal	Jones	Parker, N. J.
Barnhart	Fairchild, B. L.	Kahn	Phelan
Borland	Fairchild, G. W.	Kearns	Platt
Bowers	Fisher	Kelly, Pa.	Polk
Brodbeck	Flynn	Kettner	Porter
Browning	Focht	Key, Ohio	Powers
Butler	Fordney	Kless, Pa.	Pratt
Byrnes, S. C.	Foss	King	Price
Caldwell	Fear	Knutson	Rankin
Campbell, Pa.	Gallagher	Kreider	Riordan
Carew	Gallivan	LaGuardia	Rowe
Carter, Mass.	Gandy	Leibach	Rowland
Chandler, N. Y.	Godwin, N. C.	Linthicum	Rucker
Clark, Pa.	Good	Littlepage	Sanders, La.
Cleary	Gould	Loneragan	Sanford
Collier	Graham, Pa.	Lunn	Scott, Iowa
Cooper, Ohio	Gray, Ala.	McCormick	Scott, Pa.
Copley	Gray, N. J.	McKinley	Scully
Costello	Greene, Vt.	McLaughlin, Pa.	Sells
Crago	Gregg	Maher	Sherley
Cramton	Griest	Mann	Shouse
Curry, Cal.	Griffin	Martin	Siegel
Dale, N. Y.	Hamill	Mason	Sims
Dale, Vt.	Hamilton, N. Y.	Meeker	Simp
Darrow	Haskell	Mondell	Small
Delaney	Hayes	Morin	Smith, Mich.
Denison	Heaton	Mott	Smith, C. B.
Dewalt	Heintz	Mudd	Smith, T. F.
Dies	Hicks	Neely	Snell
Doelling	Holland	Nicholls, S. C.	Snook
Doughton	Hollingsworth	Nichols, Mich.	Steele
Drukker	Hood	Norton	Sterling, Pa.
Dupré	Husted	Oliver, Ala.	Strong

Sullivan  
Sumners  
Swift  
Switzer  
Talbot

Templeton  
Thompson  
Tillman  
Tilson  
Tinkham

Van Dyke  
Vare  
Venable  
Vestal  
Voigt

Waldow  
Watson, Pa.  
Weaver  
Wilson, Ill.  
Zihlman

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 11259) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported, or of which there is or may be an inadequate supply, finding itself without a quorum, he had caused the roll to be called, that 266 Members had answered to their names, and that he presented therewith the names of the absentees for printing in the Record.

The SPEAKER. The committee will resume its session.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] will have to amend his request for unanimous consent. There are a number of gentlemen included in the request, and the time given me makes 33 minutes instead of 27 minutes.

Mr. FOSTER. Then I ask unanimous consent that debate on this section and all amendments thereto close at the end of 33 minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The gentleman from Washington [Mr. JOHNSON] is recognized.

Mr. JOHNSON of Washington. Mr. Chairman, I greatly appreciate the statement so seriously made by the gentleman from Illinois [Mr. FOSTER]. I may have been a bit satirical, but I can not believe that in looking into this bill and predicting a bad future for it in its operation I am endeavoring to delay any activity necessary for the war. If I neglected to say in my remarks a few minutes ago, which is the only time I have taken on this bill which is of much importance to my State, anything of its war features, I say now that I intend to vote for it. I hope, however, that the sum of money appropriated in this bill will be greatly reduced. I hope the bill will be trimmed all around. I am inclined to think that it, like some others, has as a base just as much a desire in it for bureaucratic extension as it has as a war emergency.

As to the indorsements from the White House in regard to certain bills, I notice the last presidential indorsement we had was in the form of a letter written to some Member of the House and read here, calling attention to the fact that a certain bill was a "genuine" war measure; and a letter before that one called attention to the fact that a certain other bill was a "real" war measure. We have not had a letter stating what kind of a war measure this is—real, genuine, or ordinary. We have the statement of the gentleman that this is necessary and ought to be passed. I think that all that is needed to be done could be done under the power heretofore given to the President. I think, with these maps, and so forth, printed, showing manganese and other products in nearly all States that might be increased in production, that a great amount of the production will come up behind the war necessity; and if the revolving fund stays in we will not hear the end of this thing for years and years and years. The scheme will be continued by some means. The propaganda put out to create interest in this bill has been misleading. Owners of prospects think they are going to get what they are not going to get. The big fellows will beat them to it.

I take position with the gentleman from Illinois [Mr. FOSTER]. I feel that I am no more to blame or responsible for this bill than he is. He could not help himself. He is doing the best he can. It is put up to him by a bureau. We can not check it, correct it, or reduce it, because it is an officially O. K'd war measure. He feels it his duty to press it before the House, and I presume, just as on other bills at which we choked, we will all fall in the same box and will vote for it.

Mr. MOORE of Pennsylvania. Mr. Chairman, the gentlemen in charge of this bill have pleaded very earnestly for its passage, but thus far they have not clearly made known who is behind it. Up to date no one on the committee, including the chairman thereof, the gentleman from Illinois [Mr. FOSTER], has indicated positively that the President himself has said that this is a measure that ought to be passed as a war measure.

Mr. FOSTER. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. FOSTER. May I say this to the gentleman—and I will yield to the gentleman one more minute out of the six minutes reserved for this side—that a few minutes ago the gentleman asked whether the President approved of this bill? I say that the President does approve this bill. He called me to the telephone

a little while ago, just after I had finished some remarks. The President told me that this bill had his full indorsement.

Mr. MOORE of Pennsylvania. The President of the United States said he favored it?

Mr. FOSTER. Yes. The President of the United States said that this was a war measure and he regarded it very essential that it should become a law. He said it was necessary because ships had to be taken off from importing these materials to carry supplies to France. That ought to be done in order to carry on this war. This was a war measure and nothing else, and he authorized me to say to this House that the bill had his indorsement and he would be pleased to see it become a law at as early a date as possible.

Mr. MOORE of Pennsylvania. Mr. Chairman, have I five minutes remaining?

The CHAIRMAN. The gentleman had five minutes and then he had one additional minute, given by the gentleman from Illinois [Mr. FOSTER].

Mr. MOORE of Pennsylvania. It took a long time for us to obtain this statement from the chairman of the committee. I am glad he has seen the importance of bringing to the House authentic information on this very important point. In the eloquent speech he made a while ago he several times observed that the bill had the approval of the Secretary of the Interior. That far he went, but no further did he go. Now, he has been called to the telephone, to be told by the President in person, that the President approves of this bill as a war measure, and that, of course, will relieve the anxiety of a number of gentlemen. But the gentleman from Illinois, as well as the gentleman from Arkansas [Mr. WINCO], suggested that perhaps we were going too far in asking that the President should give his approval to a measure of this kind. Going too far when we, upon both sides of this House, have voted unlimited support to the President of the United States to carry forward this war, including the right to commandeer property and put it to war use? Going too far when no one would take the floor and say that the President backed this bill, when it appears on the face of it that it might mean the disorganization of the mining business of the United States? Going too far when it meant the creation of a new institution here, with \$50,000,000 of the people's money at the service of new agents, to destroy private business if need be? Going too far to ask the President, in whom we place our confidence, to at least let us know if he knows about this bill?

I do not think it is unreasonable when we are asked to take \$50,000,000 today, and \$50,000,000 to-morrow, and \$50,000,000 next day for purposes we would not dream of supporting in ordinary times. I do not think it is too much to ask the President's attitude on important or hazardous measures that people under the President, without his knowledge, might impose upon Congress for the furtherance of their own ends.

I do not think it is too much to ask that the President should confide in this body and say—through the chairman of the committee bringing forward an important bill like this—"Yes; this is a war measure. As Commander in Chief of the Army and Navy of the United States I deem it important that such a measure should be passed by Congress." That is not unreasonable when we are trying to work with the President.

For one, I want to vote for these extraordinary measures, if I have to, with the understanding that I am voting side by side with the Commander in Chief. I do not want to deceive the people of the United States, who are already overburdened with taxes. I do not want to permit monopolies or speculators to control this body. I do not want Herbert Hoover or Mr. Baruch, or any other individual who may come in here and take charge of a bureau, to tell this Congress what to do in this war emergency without the approval of the President. I want to know whether the Commander in Chief of the Army and Navy of the United States requires this money of the people as a war measure. When he does that, I may be satisfied to vote for it; but I do not care to take it from understrappers. It is too serious and important a matter. The people of the United States have got to pay this bill and for such errors and mistakes as may be made. If there is disorganization of the mining business in consequence of anything that may work a monopoly in this instance, then let the responsibility be shared by the President of the United States, as well as by the Congress thereof. That is a fair proposition when the administration knows so much about the necessity for this measure, and Congress knows so little.

Mr. TOWNER. Mr. Chairman, I am very much surprised indeed that the gentleman from Pennsylvania [Mr. Moore] should have failed to recognize some of the propositions involved in this bill, that should, I am quite sure, appeal to him perhaps more than to any other gentleman on the floor of this House, because the gentleman ought to recognize that this bill

is not only a bill for the purpose of commandeering property, if necessary, but it is also a bill for the protection of home industries by large bounties and by tariffs, if necessary. I want to call the gentleman's attention to the statement made by the Secretary of Commerce, which is extraordinarily good Republican protective doctrine. He says:

We know approximately what we have. We simply want to be able to say to the small man and to the large man, "Gentlemen, go further in and find out what you have. Bring it out and we will see that you are not ruined."

And then the Secretary says:

I think that is good Americanism; I think that is common sense—

And I am quite sure the gentleman from Pennsylvania will agree with that proposition—

I know we are criticized—

He says—

If we do not do it in the future.

So that this protective doctrine, of the protection of American industry, is not only for the present. It is also going to be pursued in the future. And then I want to quote a statement further from that distinguished Democrat—I presume, or at least, he is acting under Democratic authority and speaking under Democratic authority—Mr. Baruch. He says:

I believe in the end that we won't pay any more for the articles mentioned here by our advancing the money and producing them in this country, and we will also have built around us a wall that will defend us in the future, and which may have to defend us in the present.

[Applause.]

Why, gentlemen on this side of the House, I have heard gentlemen on the other side of the House cry out against the Republican doctrine of building a wall for the protection of American industries. And yet my friend from Pennsylvania [Mr. Moore] is finding fault with a bill which is thus sponsored, and which has the special indorsement now, we are told, of the President of the United States himself.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. TOWNER. Very gladly.

Mr. MOORE of Pennsylvania. Of course, I have not deviated from my belief in the principle of protection, but I did not observe that the ordinary protective methods were being followed in this bill. Under the Republican system we used to tax the foreigner who sent his goods into this country.

Mr. TOWNER. Well, while the gentleman may not have deviated from the principle of protection, the criticism I make upon him is that he has not properly appreciated the indorsement given in this bill by the Democratic Party and the leaders on the Democratic side to the principle of the protection of American industry [applause] of the necessity; in fact, if we would in this country properly protect and prepare ourselves for war, of seeing that the industries of this country are properly protected. Why, listen to what the committee itself states in the closing paragraph of its report:

We should be as near independent of the world as possible in war time, and it is believed that under this bill we can secure the most of these necessities.

Ah, gentlemen, we have here the statement that we ought to protect ourselves and prepare ourselves to be independent in war time, and these other gentlemen have said that that also means preparation for peace time; so that we have this indorsement, given in this extraordinarily emphatic statement of the Democratic administration itself, of the doctrine of the necessity of protecting American industry. [Applause.]

Mr. HARDY. Mr. Chairman, I rise to address myself to the pending question, whatever it is, really to make some observations on the remarks of the last two gentlemen.

The CHAIRMAN. The understanding of the Chair was that the time was apportioned in the request for unanimous consent.

Mr. MADDEN. I hope the gentleman from Texas will find out what the pending question is before he discourses upon it.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HARDY. Apparently I can not get any time.

Mr. MOORE of Pennsylvania. No Democrat explained that the principle of protection was involved here.

Mr. KITCHIN. But is it wise to let two Republicans discuss the tariff question and fight it out, and inject it into the consideration of this pending war measure?

Mr. HARDY. I want to congratulate the gentleman from Pennsylvania [Mr. Moore] who said that he wanted to do whatever the President said he must do, and who has heretofore been so frequently delighted to charge us with yielding to the President, with being rubber stamps, and having no judgments of our own.

The CHAIRMAN. The gentleman from New York [Mr. DEMPSEY] is entitled to recognition for five minutes if he desires it.



Mr. FOSTER. I hope the gentleman from New York will take his time on the next section.

Mr. MOORE of Pennsylvania. Will not the gentleman use half a minute of his time to allow us to get an answer to a question?

The CHAIRMAN. The gentleman from Missouri [Mr. HAMLIN] is entitled to five minutes.

Mr. MOORE of Pennsylvania. Will the gentleman from Missouri allow a question in his time?

Mr. HAMLIN. Yes.

Mr. MOORE of Pennsylvania. The statement of the gentleman from Iowa [Mr. TOWNER] savored somewhat of politics, which I have carefully avoided. [Laughter.] In view of the statement made by the gentleman from Iowa, I want to ask the gentleman from Missouri whether any member of the committee, on the other side in particular, gave the House any information whatever about the protective features of this bill?

Mr. FOSTER. Protection in time of war.

Mr. HAMLIN. Mr. Chairman, I am very sorry that we have gentlemen upon the floor of the House who can not approach the consideration of any subject without an allusion to the tariff or some other phase of party politics. Now, I regard this as a very serious situation. I have stated already upon this floor that this is legislation of a character that under ordinary circumstances I would not favor for one moment, and I am sincere in that. Yet, under present conditions, as I understand them to exist, I am most heartily in favor of this legislation.

I want to impress this on the minds of every Member present. We are not seeking to help any individual or any particular business, fundamentally or primarily. We are seeking to help the American people as a whole in this terrible crisis in which we now find ourselves. We are as much a part of the Army that is fighting in France to-day as the boys on the front; they form the first line and we the reserve line. If we do not back them up in every possible way by sending them the things that they need in prosecuting this war, we are just as guilty of dodging our duty and of being called slackers as a man that will attempt to dodge his duty on the front. [Applause.]

Now, we are told by men who are presumed to know—and I must assume that they do know—that the materials provided for in this bill are vitally necessary in order to furnish the things which the country needs in prosecuting the war.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. HAMLIN. I have not time enough to yield.

Mr. CAMPBELL of Kansas. I simply wanted to ask, Does the gentleman, who is familiar with the mining situation in our section of the country, have any fear that some bureau of the Government will demoralize conditions there as it has the coal-mining industry?

Mr. HAMLIN. Absolutely not; I have no fear at all, because I believe that the men who will administer this law will be men of experience to start with.

Mr. CAMPBELL of Kansas. Fine!

Mr. HAMLIN. The committee was careful to provide that the administration of this law should be through the Interior Department.

Mr. CAMPBELL of Kansas. If the other bill had been under the Interior Department or the Bureau of Mines, we might not have the demoralized condition that we now have in the coal industry.

Mr. HAMLIN. I will say to the gentleman that there can be no question of politics in this proposition. I hope, and I speak earnestly and seriously, that gentlemen will not seek to inject any kind of partisanship into the consideration of this bill.

This situation stares us in the face, either it is necessary to control the things mentioned in this bill for the prosecution of this war or it is not necessary. That is all there is to it. If it is necessary I must assume, and I think most of us will assume, that the men who appeared before the committee, not interested as some gentleman said to-day, personally—men like the geologists of the State of Illinois, the State of Missouri, and the State of Wisconsin, whom I asked if they were peculiarly interested in the mining industry and they said not at all, mining engineers who said they were not interested financially in mining, national organizations of the miners' associations, the Bureau of Mines, the Geological Survey, all of these men, high-class men, patriotic men, said they had no interest in this matter personally, except as patriotic American citizens. They said that the things mentioned in this bill are absolutely necessary in the manufacture of steel guns and ammunition, and so forth, and while we had them in this country we only produced on an average 25 per cent of our consumption. They said that we need ships to carry supplies to the boys in France who are fighting this war, and we could not have them if we used them in the transportation of these minerals from other coun-

tries. We need this bill to stimulate production at home at this time. I say that we need the bill and we ought to get down to business and pass it without further delay. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. SANDERS of Indiana. Mr. Chairman, by the unanimous consent agreement I was to have five minutes.

Mr. FOSTER. That was the understanding, Mr. Chairman.

Mr. SANDERS of Indiana. I am not so particular about the time, but I want to offer an amendment.

The CHAIRMAN. The Chair does not have that noted on his minutes.

Mr. FOSTER. I ask unanimous consent that the gentleman from Indiana have five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Indiana [Mr. SANDERS] have five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER. Now, Mr. Chairman, let us have a vote on the amendment pending before the House.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas [Mr. Wingo].

Mr. CANNON. Let us have the amendment reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Page 7, line 10, after the word "order," insert the words "and findings." In line 11, the same page, after the word "evidence," insert the words "of the facts stated therein."

The CHAIRMAN. The question is on the amendment.

The question was considered, and the amendment was agreed to.

Mr. SANDERS of Indiana. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 6, line 18, after the word "business," strike out the words "correspondence, papers, books, and records."

Mr. SANDERS of Indiana. Mr. Chairman, the words I seek to have stricken out do not appear in the section of the food bill from which this section is almost an exact copy. I think it grants power and authority to agents which ought not to have been granted. There is no apparent necessity for the general power to examine the correspondence, papers, and books of the licensees. They have ample authority in former parts of the section to find out all about the accounts and get data concerning accounts, and of getting sworn statements in reference to the accounts. I think this permission to go into the correspondence, books, papers, and records is a power that ought not to be given in this section.

Mr. SCOTT of Michigan. Will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. SCOTT of Michigan. Mr. Chairman, I suggest to the gentleman that if he take out the language which his amendment would remove from the bill and leave that remaining it would read, beginning on line 18, "the Secretary of the Interior of the places of business and records of licensees."

Mr. SANDERS of Indiana. That should be "licensees."

Mr. LONGWORTH. That is a mistake in the bill, is it not?

Mr. SANDERS of Indiana. Yes.

Mr. SCOTT of Michigan. Then that ought to be corrected.

Mr. SANDERS of Indiana. Mr. Chairman, I ask unanimous consent to include in my amendment the correction of the spelling of the word "licensees."

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to modify his amendment in the manner indicated. Is there objection?

There was no objection.

Mr. HAMLIN. Does not the gentleman think this provision ought to remain in the bill? In other words, that it would do no harm to have it remain in the bill? Can he not conceive that a condition might arise whereby it would be vitally necessary for the Government to have the right to examine the books, records, correspondence, and so forth, of some of these concerns to ascertain whether they have made or are making correct returns of their business transactions?

Mr. SANDERS of Indiana. The Government has the right to require a verified statement of these facts; and then if the licensee who made that verified statement committed perjury, the Government would have the usual procedure in cases of perjury. I think this is an unusual and extraordinary power, especially in view of the fact that it is granted not only to the Secretary of the Interior, but to any of his agents, and it might be delegated to some person that the Secretary of the Interior never heard of.

Mr. HAMLIN. If a man makes a correct statement and there are no suspicious circumstances connected with the report made, this provision, if allowed to remain in the law, would not be exercised and would, therefore, do no harm; but in case there should be suspicious circumstances surrounding a given case, I think the Government ought to have the right to examine the books. That privilege would not hurt anyone if they have made correct reports. I believe it ought to remain in.

Mr. SANDERS of Indiana. I know; but this authorizes any petty agent to use oppressive power, and it ought not to be granted.

Mr. HAMLIN. "Any duly authorized agent," it says, "of the Secretary of the Interior."

Mr. SANDERS of Indiana. Yes.

Mr. HAMLIN. I do not think that the Secretary of the Interior would authorize some petty agent in the sense that I think the gentleman used that expression—some irresponsible agent.

Mr. SANDERS of Indiana. Oh, no. A petty agent does not mean an irresponsible agent necessarily, but a petty agent means some agent having minor authority, who might in the course of administering the bill be granted this authority as far as the bill is concerned, and the Secretary of the Interior may never have heard of him. He might not have considered his qualifications with reference to this power, and yet this power might be given to him. I think it is an unreasonable and an oppressive power.

Mr. HAMLIN. I think that if these concerns make a fair and true return that this provision in the bill will not hurt anybody.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. SANDERS of Indiana) there were—ayes 38, noes 35.

Mr. SANDERS of Indiana. Mr. Chairman, I demand tellers. Tellers were ordered; and the Chair appointed Mr. SANDERS of Indiana and Mr. HAMLIN to act as tellers.

The committee again divided; and the tellers reported—ayes 46, noes 47.

So the amendment was rejected.

Mr. LONGWORTH. Mr. Chairman, in view of the fact that the amendment has been defeated, I suggest that the word "licenses" as it appears in the bill should be changed to "licensees."

That modification was included as a part of the amendment.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that the word "licenses" be changed to "licensees" in line 19, page 6.

Mr. RAKER. Mr. Chairman, reserving the right to object—

Mr. FOSTER. Oh, object, if the gentleman is going to.

Mr. WALSH. I demand the regular order.

The CHAIRMAN. Is there objection?

Mr. RAKER. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. Is this section open to amendment?

The CHAIRMAN. It is.

Mr. RAKER. And discussion?

The CHAIRMAN. It is not.

Mr. RAKER. I have no objection to the amendment.

Mr. FOSTER. I offer it as an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 19, strike out the word "licenses" and insert the word "licensees."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 6. That necessities shall be deemed to be boarded within the meaning of this act when either (a) held, contracted for, or arranged for by any producer, manufacturer, wholesaler, retailer, dealer, or other person in a quantity in excess of the reasonable requirements of his business for use or sale by him for a reasonable time, or reasonably required to furnish necessities produced in surplus quantities seasonally throughout the period of scant or no production; or (b) withheld, whether by possession or under any contract or arrangement, from the market by any person for the purpose of unreasonably increasing or diminishing the price.

Mr. LONDON. Mr. Chairman, the only possible justification for this bill is the attempt to save a part of the tonnage now required for the importation of these various minor minerals. In order that the distinguished ex-Speaker may feel sure that there is no attempt on the part of the Government to stealthily introduce the principle of socialism into the mining industry—

Mr. CANNON. If the gentleman will yield, I would say that I did not have that in my mind.

Mr. LONDON. I desire to call his attention and the attention of other Members of the House to the testimony of Mr. De Wolff, State geologist of Illinois and president of the Association of American State Geologists. It appears that this bill was originally prepared some time in July of last year; that a few months after the beginning of the war they began to think of stimulating production. The bill traveled from group to group, and the geologists got hold of it in November. It was originally drafted by the office of the Secretary of the Interior, with the cooperation of the war minerals committee. It came to the State geologists in November, and the following interesting fact developed, that originally this bill included the larger metals and minerals, but, as explained by Mr. De Wolff, the National Association of Mining Engineers insisted that these larger metals and minerals be excluded. Had the more important metals and minerals been included there might have been some justification for the suspicion that Government control is in contemplation.

Mr. GRAHAM of Illinois. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. LONDON. Pardon me; I have only a few minutes.

The CHAIRMAN. The gentleman declines to yield.

Mr. LONDON. The National Association of Mining Engineers insisted that this bill be confined to minor minerals. In answer to my question Mr. De Wolf said this:

Mr. LONDON. The State geologists are all public agents, employees of the State governments? The Society of Geologists—of State geologists—are all public servants?

Mr. DE WOLF. State servants.

Mr. LONDON. While the members of the Society of Engineers are engineers employed by various interests?

Mr. DE WOLF. And in consulting practice; they are men of extended experience in the industry.

According to Mr. De Wolf, the bill in its original form included all minerals, and it provided as a last resort the taking over and the operation of the mines by the Government.

So we had this situation: That the State geologists, who are public servants, had no difficulty in approving the principles of this bill, while the Society of Engineers, associated with private interests, opposed the inclusion of the principal metals and minerals. So you see there is very little of the socialist principle about this proposition.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. LONDON. Yes.

Mr. GRAHAM of Illinois. Does the gentleman remember that when the food-control bill was being considered in this House the lady from Montana [Miss RANKIN] offered an amendment including metalliferous mines in the food-control bill, and that those who sponsored that bill and the administration leaders in the House at that time were opposed to that amendment?

Mr. LONDON. I do not recall that particular instance. The point of it is this, that the hope is held out that this bill will encourage the production of minor minerals. Whether it will or not only heaven knows.

I do not know how attractive the price must be in order to encourage the production of minor minerals. That is all there is to this bill, and that is the difference between the powers conferred by this bill and the powers conferred upon the Government by the defense act. Under the defense act the Government may commandeer something which is in existence. This is to produce larger quantities of necessary articles.

Mr. GOOD. Will the gentleman yield?

Mr. LONDON. Yes.

Mr. GOOD. Does the gentleman contend that we need all these minerals that are specified here in larger quantities than they are produced?

Mr. LONDON. One of the best known metallurgists in the country appeared before the committee. It looked as if he took the dictionary and enumerated every mineral he could find in it. I do not know how many of them are essential for war purposes. He went through the alphabet. But we will be told anyway that it is impossible to give us detailed information, because they can not disclose the particular use to which these minerals can be put.

Mr. DEMPSEY. Mr. Chairman and gentlemen, this bill is intended, as I understand it, to encourage the production of the smaller and rarer metals. It does not include gold, silver, lead, or zinc.

Mr. FOSTER. Or copper.

Mr. DEMPSEY. Or copper, but it does include the rare kinds of metals. The need for encouraging their production has arisen in two ways. It has arisen, first, because of the scarcity of shipping to bring these metals into this country



from Brazil, Spain, India, and Turkey. We can not afford to spare the shipping for that purpose. For instance, it is estimated that manganese alone will fall short in domestic production 500,000 tons in the coming year. It is estimated also that each ton of manganese that we import means 5 tons of shipping, so you will see that means a total of 2,500,000 tons of shipping. And that is a single article—only one in the list of things that are needed. So the first reason for the bill is that we need this shipping. Now, let us see just a moment. Go up and down the list of the necessities of this war. State them all, and you will find that the one thing that stands out as the primary requisite is shipping. You may talk about food, you may talk about soldiers, you may talk about munitions and cannon and supplies, but when you have gone over the list from top to bottom, from beginning to end of the alphabet, you find in the end that shipping is the primary need, and this bill tends to answer that need, because it will release ships from importing these various metals by speeding up their production in this country.

The second reason is this: We want in this country, so far as we can, to be self-sufficient for the purposes of carrying on the war. We do not want to have to resort to the other countries, because we do not know what the necessities and needs of the hour may be. We can not tell how conditions may change. We can not tell why and how it may become impossible, or how it may become difficult, to import from a given country; and we want here in our own midst, where we have these things, to produce them in sufficient quantities to meet the exigencies of this great world war.

Now, they answer us in this way: They say first that the War Finance Corporation can take care of this proposition. I say no. Why not? The War Finance Corporation is intended to finance existing corporations which are doing a solvent, good business. It is intended simply to assist them in this crisis, not because they would need help under ordinary conditions, but because of the fact that the war stress is such that any corporation which has an established business and which is able ordinarily to finance itself, needs help in these times. It is not intended at all, through the War Finance Corporation, to assist prospecting, to assist experiment, to develop a new business. And that is the purpose of this bill. It is to foster and create a business which does not exist, to send out the pioneers, to develop that which is new, that which is untried, and to make men secure in the development of it by saying to them, "While your prospecting and experimenting are uncertain, as to whether if you were left to yourselves you could make a return upon your investment, we will guarantee such a price as will give you an insured and adequate return, because it is the need of the Nation that calls upon you, and it is because of the war that we need to have you develop this industry, and the war need makes a Nation need, and justifies the Nation in guaranteeing the price." [Applause.]

Mr. CANNON. Will the gentleman yield?

Mr. DEMPSEY. I yield to the gentleman from Illinois.

Mr. CANNON. The only real shortage that we have, the gentleman will agree, that amounts to anything, is in manganese.

Mr. DEMPSEY. Yes.

Mr. CANNON. The bulk of that is produced in Montana. Now, as it has been multiplied by 6,000 per cent in the last five years, and will be more than doubled this year, over last year; does the gentleman think that you can take a man and say to him, "We will give you a fixed price for the manganese that you will produce"? When he has not the machinery he must get it, which means transportation; and that same guarantee must go to the Colorado Ryan properties that produce manganese.

You can not make fish of one and fowl of another. What would the expenditure be?

Mr. DEMPSEY. It is absolutely impossible, if the gentleman will permit, to say how the bill will work out in detail; but I say that we do face the fact that if we do not remedy the shortage of 500,000 tons we are going to use two million and a half tons of shipping that should be used to send boys, cannon, and supplies abroad. If we can do it in this way, and I believe we can; if we can help to do it in this way, and we surely can, we should make the experiment. It is not only justified but required. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAHAM of Illinois. I ask that the gentleman have one minute more, as I want to ask him a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GRAHAM of Illinois. The statement the gentleman has just made to save ships appeals to me. If this bill were passed, does the gentleman have any reason to believe from anything he knows that it would in the near future relieve our stringency in that respect; that is, during the present season, when we need the ships so badly, will the passage of the bill give us more ships?

Mr. DEMPSEY. I can answer the gentleman by stating what the gentleman's colleague [Mr. CANNON] has just said. We have grown from the production of 4,000 tons manganese to 240,000 tons in the incredibly short time from 1913 to 1917. If we can grow in production in that short period of time—and we are going to double it this year—why are we not going to relieve the shipping and relieve it speedily? Statistics show that there has been that surprising and that amazing growth.

Mr. GRAHAM of Illinois. Of course, if we can spend \$50,000,000 and get ships in that way, it is just as easy as to spend it in building them.

Mr. DEMPSEY. Of course it is; and at the same time it answers the other purpose of the bill, which is making ourselves self-sufficient in producing within our own borders and from our own territory all those things essential to the war, and not leaving us to depend on foreign territory and its uncertainties and changes that are rapidly evolving in this world-wide war.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER. The testimony from the Shipping Board is that we will save from three to four hundred thousand dead-weight tons of shipping this year.

The CHAIRMAN. The time has expired, and the Clerk will read.

The Clerk read as follows:

SEC. 7. That whenever any necessities shall be hoarded as defined in section 6 they shall be liable to be proceeded against in any district court of the United States within the district where the same are found and seized by a process of libel for condemnation, and if such necessities shall be adjudged to be hoarded they shall be disposed of by sale in such manner as to provide the most equitable distribution thereof as the court may direct, and the proceeds thereof, less the legal costs and charges, shall be paid to the party entitled thereto. The proceedings of such libel cases shall conform as near as may be to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States. It shall be the duty of the United States attorney for the proper district to institute and prosecute any such action upon presentation to him of satisfactory evidence to sustain the same.

Mr. ROBBINS. Mr. Chairman, I have an amendment which I wish to offer to perfect the text.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that all debate on this section and amendments thereto be limited to 20 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate on this section and amendments thereto close in 20 minutes. Is there objection?

There was no objection.

Mr. ROBBINS. Now, Mr. Chairman, I offer my amendment. The Clerk read as follows:

Page 8, line 11, after the word "six," strike out the word "they" and insert the words "of this act the person, firm, copartnership, or corporation so holding the same," so that it will read:

"That whenever any necessities shall be hoarded as defined in section 6 of this act the person, firm, copartnership, or corporation so holding the same shall be liable to be proceeded against in any district court of the United States within the district where the same are found."

Mr. FOSTER. I think that is all right.

Mr. ANDERSON. I want to call attention of the chairman of the committee to the fact that this is a proceeding in rem and not in personam.

Mr. ROBBINS. I know that very well. I know that it is a proceeding "in rem," but it ought to be "in personam." If you read the section you will see that this is a proceeding against the ores or minerals wherever found, and then down in line 15 you will see the word "they," which refers to the minerals, and in line 19 you will see the word "party" is again used, providing that after paying the cost and charges the surplus shall be paid to the party entitled thereto. Then in line 21 you find this provision: "Except that either party may demand trial by jury of any issue of fact joined in any such case."

I submit that this section ought to be a proceeding "in personam" and not a proceeding "in rem," because this is a section that seeks to enforce the preceding section. The preceding section, section 6, refers entirely to the hoarding of these metals. The penalty for hoarding these metals is to proceed against the firm, person, or corporation that hoards them. They are the people guilty in this act, and they are the people against whom the proceedings must be instituted. This idea of going and searching out the "thing hoarded" and allowing the thing or minerals hoarded to appeal where a question of fact is raised makes it ridiculous.

Mr. LONDON. Will the gentleman yield?

Mr. ROBBINS. Yes.

Mr. LONDON. The proceeding against the person is in section 8.

Mr. ROBBINS. That is a criminal section and proceeding, and is a different thing. The proceeding in this section is a proceeding "in rem" against the thing which is analogous to a proceeding in law against real estate, the foreclosure of a mortgage. Here you are proceeding against a man for hoarding goods, and it is a proceeding against the person for a violation of the provisions of the statute.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. ROBBINS. Yes.

Mr. SANDERS of Indiana. Suppose a person should be located out of the jurisdiction. Suppose the hoarding of goods should be in one State and the person should be in another State, would you have the proceeding against the person?

Mr. ROBBINS. Oh, there is a method provided by statute for suits against persons who are absent from the jurisdiction of the court. Service is had by publication and a foreign attachment proceeding.

Mr. SANDERS of Indiana. That is a statutory proceeding.

Mr. ROBBINS. Of course, there is a United States statute providing for that. The trouble about this section is that it could not be enforced. This is an attempt to set up a proceeding in admiralty, which pertains to proceedings against boats and ships. Here your proceeding is against the person, the firm, or the corporation that acquires this metal in bulk and holds it, and hoards it, for the purpose of increasing the price to the Government or to the manufacturers who are manufacturing war materials for the Government.

Mr. LONDON. Is not the object to get hold of the thing hoarded rather than to punish the person in an action for damages? The object of this section is to get hold of the very thing that the Government needs. So it is an action not only in law, but the spirit of it is that it is against the thing for the possession of that thing.

Mr. ROBBINS. You get control of the mineral when you proceed against the person hoarding it and seize the mineral or ore he is hoarding.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. ROBBINS. Yes.

Mr. STAFFORD. Apart from the amendment that the gentleman has offered, may I inquire his view as to whether we are justified in passing a provision of confiscation, as this paragraph provides, that does not regard the constitutional provision of not taking property without due compensation?

Mr. ROBBINS. This statute is a war measure. No person in this House, it has been reiterated over and over again, would vote for it under any other circumstances.

Mr. STAFFORD. Does the gentleman believe that the constitutional protection and guaranty of not taking property without due compensation does not apply in time of war as well as in time of peace?

Mr. ROBBINS. I will answer the question by saying that this section provides specifically for trial by jury, and that is the only provision that saves this clause from being absolutely in the teeth of the Constitution.

Mr. STAFFORD. It provides for the confiscation and sale at any figure which may be received at public auction.

Mr. ROBBINS. If it be sold at public auction, that would be due process of law, and would, if fairly conducted, obtain for the owner fair and just compensation for the minerals or ore seized and taken from him.

Mr. GOOD. Mr. Chairman, I am considerably disturbed with regard to this measure. I want to vote for and support every measure that is necessary for the prosecution of this war. I think that is the duty of every Member of the House, and it is to the credit of the membership of this House that everyone is performing his full duty, and if there is a disloyal Member of the House I do not know his name. The support which the administration has had by the membership of this House upon every bill that has been put forth as necessary for the successful conduct of the war has been remarkable. But I do not want to vote for a bill that has that for its purpose, if we already have some other law on the statute books through which we can accomplish the same purpose. I do want to vote against those bills that have for their object the building up of new departments and a big personnel in them at tremendous expense, the creating of new offices with large salaries, when we can accomplish the thing that that organization would accomplish without that expense.

Let us take the bills that we have already passed—I do not care which one you take, you will find unusual powers. There

are a number of bills giving the President all the power this bill grants. Here is the food bill. It provides as follows:

SEC. 12. That whenever the President shall find it necessary to secure an adequate supply of necessities for the support of the Army or the maintenance of the Navy, or for any other public use connected with the common defense, he is authorized to requisition and take over, for use or operation by the Government, any factory, packing house, oil pipe line, mine, or other plant, or any part thereof, in or through which any necessities are or may be manufactured, produced, prepared, or mined, and to operate the same.

Then, further, there is this other provision in section 10:

That the President is authorized, from time to time, to requisition foods, feeds, fuels, and other supplies necessary to the support of the Army or the maintenance of the Navy, or any other public use connected with the common defense, and to requisition, or otherwise provide, storage facilities for such supplies; and he shall ascertain and pay a just compensation therefor.

What broader powers could we give than the power we have given in that act? Does anyone contend that that does not give the President power to purchase these metals? Take the act of June 3, 1916, providing for further and more effectual provision for the national defense. Here, again, we gave the President the power not only to reach out and commandeer property that may be necessary for the prosecution of this war and at a price which he said was fair and reasonable, but if the supply is not sufficient we gave him power to force an increased production. Take the things that are mentioned here in the remarks of the gentleman from Arkansas [Mr. Wixom], which he placed in the RECORD. I understand there is not one of those minerals that we do not produce some quantity of in the United States. Is there a man here who says that the President can not go out and buy all that is necessary, either for the Army or the Navy or for any public use, under the authority which he now has?

Mr. FOSTER. Where would you get cobalt?

Mr. STAFFORD. In Canada.

Mr. FOSTER. I said in the United States.

Mr. STAFFORD. Does the gentleman desire to produce a home-market condition, justifying large prices for cobalt, if it can be secured in Canada?

Mr. FOSTER. The gentleman from Iowa said all these could be produced in the United States.

Mr. GOOD. If they can not be produced in the United States then the bill does not affect them, because the bill only affects those things that can be produced in the United States. If you are going to release this vast tonnage in shipping you must find the things you want right in the United States or Mexico or Canada. What is more to the point, if we need cobalt, why does not the President buy it in Canada? He has the authority and the money, and he can pay any price and no one can object.

Why, if you want manganese, if you want a million tons, the President has the money appropriated by Congress to buy it, and he has authority to purchase all that can be produced. No one can prevent his purchasing it where ships will not be necessary for transporting it.

If you wanted antimony the President has had authority to purchase all that is necessary either for the Army or the Navy, or what the steel companies need for public use and he can pay any price which he may elect to pay. What more authority do you want than this?

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOOD. Mr. Chairman, I would like to have five minutes more.

Mr. HAMLIN. Mr. Chairman, I understand the time is limited.

The CHAIRMAN. The time was fixed by agreement.

Mr. GOOD. I understood there was 20 minutes.

Mr. FOSTER. How much time is there remaining?

The CHAIRMAN. Ten minutes has been used.

Mr. GOOD. Mr. Chairman, I have not taken up the time of the committee, and can conclude in five minutes.

Mr. STAFFORD. Mr. Chairman, I understood the gentleman was to have 10 minutes. He said he desired 7 or 8 minutes.

Mr. FOSTER. He said five.

Mr. STAFFORD. He expressed himself as wanting seven or eight minutes.

Mr. GOOD. Let me have another five minutes.

Mr. STAFFORD. Mr. Chairman, I will yield my time to the gentleman in order to allow the gentleman from Illinois to have his five minutes.

Mr. FOSTER. No; go ahead.

The CHAIRMAN. What is the result of the agreement on the floor?



Mr. STAFFORD. I understood five minutes would be reserved for me, and I will yield that to the gentleman.

The CHAIRMAN. The gentleman from Iowa is recognized for five additional minutes.

Mr. GOOD. Now, Mr. Chairman, this is rather a belated excuse for something that side of the House should have done. When you passed the Underwood bill before the outbreak of the war, when you took off the duty of \$2.50 a ton on ferromanganese and placed it on the free list, then you desired to discourage production in metals. The certain metals schedule was similarly dealt with. The result was discouraging to American producers and encouraged production abroad. Now you wish to encourage American production again.

Mr. HAMLIN. Will the gentleman yield there? Did not the gentleman just a moment ago say we ought not to pass this bill provided we could get cobalt from Canada?

Mr. GOOD. Now, Mr. Chairman, that is a lame excuse for your taking off the duty on the product of the American miner who was producing these metals and then when we find we are in war and need them to reach out and ask the poor washerwomen and the banker alike to buy liberty bonds in order that you may rehabilitate the industries that you have destroyed.

Mr. HARDY. Will the gentleman yield?

Mr. GOOD. I can not.

Mr. FOSTER. Let us not have politics, this is a war measure.

Mr. GOOD. Yes; it is said that this is a war measure, but I am inclined to think it is unnecessary. It will provide many jobs for deserving Democrats and to that extent it may be a war measure, but the power granted is already vested in the President. I regret that that side of the House was not far-sighted enough before the war, when we told you that you needed American production, that you ought to produce in America everything that could be produced that we use or could use, and yet you destroyed those industries and now you reach out and ask \$50,000,000 to rehabilitate them. Protection would have saved them at the expense of the importer. No, gentlemen of the committee, there is not a power granted in this bill, except the authorization for an appropriation and the additional power to create a new department, that has not already been granted the President. Ah, if it is true that we could release thousands upon thousands of tons of shipping by purchasing these things of the American miner, then I say to you the fault is not with the House, the fault is not with Congress, the fault is in the correct exercise of these broad powers that we have granted.

Long ago you ought to have been producing manganese, antimony, and these things that you say you want to produce here in America. The President had the power to purchase. The first thing we did after we declared war was to give the President \$100,000,000 to purchase things of this kind. Of course, this vast tonnage of ships should be released. It should be released at once. Do not wait for this authority; exercise the authority already granted and buy them at once. The authority and money have already been granted. Almost a year ago we granted this authority, and it should have been exercised long ago. We should have been buying antimony and manganese and bismuth—and all those things which you say you are going to buy, if this bill becomes a law—for a year. You have needed the ships all year. The President has the power to buy them now, at any price he may fix. He has the money in his hands with which to buy them, and there is no limitation on the price that he can pay. Why not exercise this power? Why create more useless offices, the salaries of which drain the substance of the people? [Applause on the Republican side.]

Mr. FOSTER. Mr. Chairman, the gentleman from Iowa [Mr. Good] has voted in this House, as other Members on that side have, for the support of the administration in this war. They are to be commended for doing that. I am not here to find fault with any man. They have loyally supported the administration in the carrying out of its war policies; but I do regret, my friends, that the gentleman from Iowa should see fit, upon the pretext of criticizing this bill, to find fault with things that he thinks should have been done a long time ago. The gentleman speaks of the President having \$100,000,000 with which he could have bought cobalt, antimony, pyrites, manganese, and these other articles. The President has no power under the law to buy and sell those articles.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. FOSTER. He can buy but he can not sell them.

Mr. CAMPBELL of Kansas. He exercised power, I understand, by buying a lot of old junk in a hole in the ground up on Fifteenth Street.

Mr. FOSTER. The gentleman from Kansas upon this war measure, when it is necessary to secure some legislation for

carrying on the war, sees fit now to lug in some other proposition on which he desires to criticize the President, and yet protests his loyalty to the Government at the same time. I am sorry, my friend—

Mr. CAMPBELL of Kansas. But the gentleman says—

Mr. FOSTER. I did not yield to the gentleman.

Mr. CAMPBELL of Kansas. Does the gentleman yield?

Mr. FOSTER. No; I do not.

Mr. CAMPBELL of Kansas. The gentleman does not say that he could not, under the power that he has now, buy these needed war materials?

Mr. FOSTER. I will say to my friend from Kansas, if he will contain himself until some opportune time comes, when the House may be considering a proposition that is not as vital a war measure as this is, he can say what he likes in criticism of what the President has done if he thinks that there are things to do. But I do submit that under the guise of criticizing this bill and protesting their loyalty at the same time, they should not find fault with the President because he did not commence some time ago to buy \$100,000,000 worth of pyrites, buy \$100,000,000 worth of manganese, and do all those things. Supposing the President had done it? The same gentleman would have been here criticizing him because he had spent money for that purpose. I have no doubt about that. Let us be fair. I hope I have not been partisan in this House, and very few Members of this House have been partisan. I do not know that I call to my mind one. But I do submit that it is not the proper thing now to criticize the President in this way. Let us put this measure through. Let us not have it said six months from now that the Government is short on these materials because Congress failed to do its duty in helping to secure these necessary materials.

Mr. GOOD. Now, the gentleman is willing to admit that the President has power to purchase all of the things that are contemplated to be secured under this bill?

Mr. FOSTER. No; I do not think he has.

Mr. GOOD. Does the gentleman think now that the President would not have authority to purchase under the food bill or under the Army reorganization bill?

Mr. FOSTER. I think he might have the right to purchase or commandeer some of these articles, but I doubt he has the power to do all these necessary things provided in this bill to secure all of them.

Mr. GOOD. Not under the food bill?

Mr. FOSTER. He must take care of industrial uses in this country, too.

Mr. GARLAND. Will the gentleman yield right there?

Mr. FOSTER. I yield to my colleague.

Mr. GARLAND. I was going to ask the gentleman from Iowa, as to this far-sighted policy that he refers to, if he himself ought not to have exercised it a little when he voted for the manufacture of armor plate by the Government, inasmuch as the country has to have manganese?

Mr. JOHNSON of Washington. In regard to manganese, there are all kinds of it in the forest reserves owned by the Government. Can we not get it?

Mr. FOSTER. We can if we pass this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. ROBBINS].

Mr. HAYES. Mr. Chairman, can we not have it reported again?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

Mr. ROBBINS. Mr. Chairman, after a conference with some of the gentlemen in charge, they claim that this is to be a proceeding in rem; and as I have no desire to change the proceeding if they insist on it, I withdraw the amendment with that understanding.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to withdraw the amendment. Is there objection? [After a pause.] The Chair hears none. The Clerk will read.

The Clerk read as follows:

Sec. 8. That any person who, in order to enhance the price of necessities, willfully destroys any necessities for the purpose of enhancing the price or restricting the supply thereof shall, upon conviction thereof, be fined not exceeding \$5,000 or imprisoned for not more than two years, or both.

Mr. ANDERSON. Mr. Chairman, I move to amend by striking out in lines 3 and 4 the words "in order to enhance the price of necessities."

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON: Page 9, lines 3 and 4, strike out the words "in order to enhance the price of necessities."

Mr. ANDERSON. Mr. Chairman, there seems to be a duplication of words in this section. As it now reads it is as follows:

That any person who, in order to enhance the price of necessities, willfully destroys any necessities for the purpose of enhancing the price or restricting the supplies.

I submit to the gentleman that language ought to go out.

Mr. FOSTER. That print is from the old bill. We did change that, but the printers did not get it.

Mr. JOHNSON of Washington. Have you not a paragraph that is in line with the bill passed the other day for the destruction of war material?

Mr. ANDERSON. Substantially so.

Mr. JOHNSON of Washington. With the same form of punishment?

Mr. ANDERSON. With the same form of punishment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. ANDERSON].

The question was taken, and the amendment was agreed to.

Mr. FESS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last word.

Mr. FESS. I do so in order to ask the chairman whether anywhere in the proposed law he has defined what are "necessaries."

Mr. FOSTER. Yes. These articles are defined to be "necessaries."

Mr. FESS. It is limited to them?

Mr. FOSTER. Yes.

Mr. FESS. I thought you would not put it in a criminal statute without defining it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 9. That any person who conspires, combines, agrees, or arranges with any other person, or who aids or abets any other person (a) to limit the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any necessities; (b) to restrict the supply of any necessities; (c) to restrict the distribution of any necessities; (d) to prevent, limit, or lessen the manufacture or production of any necessities shall, upon conviction, be fined not exceeding \$10,000 or be imprisoned for not more than two years, or both.

Mr. SANDERS of Indiana. Mr. Chairman, I move to insert, after the word "who," in line 8, page 9, the expression "in order to enhance the price of necessities."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Indiana.

The Clerk read as follows:

Amendment offered by Mr. SANDERS of Indiana: Page 9, line 8, after the word "who," insert the words "in order to enhance the price of necessities."

Mr. SANDERS of Indiana. Mr. Chairman, it is my opinion that the committee, when it finally agreed upon the bill, had that expression in section 9, and inadvertently it was put in section 8; and I am seeking to put in this section the expression that was stricken out of section 8 by the gentleman from Minnesota [Mr. ANDERSON].

Section 9 enumerates numerous things—(a), (b), (c), and (d). The first, (a), is to limit the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any necessities; (b) is to restrict the supply of any necessities; (c) is to restrict the distribution of any necessities; (d) is to prevent, limit, or lessen the manufacture or production of any necessities.

Now, it may easily be imagined that any one of those things might be done without having any unlawful purpose in view, but if the expression "in order to enhance the price of necessities" is inserted after the word "who," it will make the section a proper criminal statute.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. FESS. Can the gentleman conceive of a condition where any of these things might be done unlawfully that would not fall under your classification in order to enhance the price?

Mr. SANDERS of Indiana. I can not conceive of any such condition. On the other hand, I can conceive how you might agree to restrict the supply for a legitimate purpose.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. WINGO. What language do I understand you propose to insert after the word "who"?

Mr. SANDERS of Indiana. I propose to insert the language that was stricken out of section 8, "in order to enhance the price." I think that was agreed to by the committee, and through inadvertence it was put in the other section.

Mr. WINGO. No. It was agreed to, but in recasting the section it was left out deliberately. If you put it where you

propose to put it, we would have a repetition, because that is not the only thing we propose to punish by this section. What we propose to do now is to punish any person who combines with or aids or abets any other person in doing any one of the several things mentioned in the clauses (a), (b), (c), and (d); in other words, if he conspires or combines with or aids or abets any other person in limiting the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any necessities, or in restricting the supply of any necessities, or in restricting the distribution of any necessities, or for the purpose of preventing, limiting, or lessening the manufacture or production of any necessities. There are several different acts enumerated.

Mr. ANDERSON. In other words, it is the combination or conspiracy that you punish here, not the intent that the individual has to combine with somebody else to do what is unlawful.

Mr. WINGO. No. I think possibly, if I recall the discussion of it, some of us contended that we ought to be a little more explicit to mean what you suggest. That is, that the language that we now have does not punish anything but the conspiracy. I think the language used punishes only the conspiracy to do these things, and does it without the language that the gentleman from Indiana proposes.

Mr. SCOTT of Michigan. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. SCOTT of Michigan. If the amendment of the gentleman prevails, I am inclined to believe—and I make the suggestion for his consideration—that the man who had been arrested could very properly raise this defense: He could say that he could not be convicted, because his purpose in limiting the facilities for transportation was not to raise the price, but in order to embarrass his own country. He might possibly be convicted on some other charge, but he could acknowledge a crime and clear himself of the charge under this provision.

Mr. SANDERS of Indiana. If he successfully made the defense that he did this for some other reason, he ought to go acquitted under this statute.

Mr. SCOTT of Michigan. That is true; but if the gentleman's amendment prevails then it will be necessary for the prosecution to prove absolutely that his purpose was—

Mr. SANDERS of Indiana. Unlawful.

Mr. SCOTT of Michigan. Not unlawful, but was to enhance the value.

Mr. SANDERS of Indiana. To be sure.

Mr. SCOTT of Michigan. I agree with the gentleman from Arkansas [Mr. WINGO] that that limits the purpose of the section rather than extends it.

Mr. SANDERS of Indiana. I do not think I made my point very clear.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SANDERS of Indiana. Mr. Chairman, I ask unanimous consent that I may have five additional minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that he may proceed for five minutes. Is there objection?

Mr. STAFFORD. Reserving the right to object, may I, in the gentleman's time, inquire of the chairman of the committee how late he intends to run? It is now after half past 4, and there is a very small attendance here.

Mr. FOSTER. I should like to finish this section and read section 10.

Mr. STAFFORD. All right.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. DEMPSEY. I think perhaps if the gentleman would yield to me I could make a suggestion—

Mr. SANDERS of Indiana. I yield to my friend.

Mr. DEMPSEY. I will suggest to my friend from Indiana that the proposed amendment would, it seems to me, place upon the Government the burden not only of proving the offense but of proving the intent.

Mr. SANDERS of Indiana. It always has to do that anyway.

Mr. DEMPSEY. No; that is not true.

Mr. WOOD of Indiana. The intent follows the act.

Mr. DEMPSEY. The intent, as a general rule, follows the act itself.

Mr. SANDERS of Indiana. You have to introduce the evidentiary facts in order to prove the intent.

Mr. DEMPSEY. I am afraid the amendment proposed would put the onus upon the Government to establish affirmatively the intent as a separate fact. I am afraid, in other words, that the proof of the act itself, no matter how clear it might be, would



not entitle the Government to a conviction, but that the Government would have to establish guilt by adding to the proof of the act the proof of the intent as a separate factor.

While I am on my feet I would like to call the attention of the gentleman from Arkansas [Mr. Wingo] also to this, in reference to the suggestion made by him: This section as drawn, as was suggested by the gentleman from Arkansas, seems to punish simply the conspiring and combining, aiding or abetting, and not the doing of the act. Now, should there not be after the word "necessary," in line 15, something added, so that you could convict for the doing of the act either separately or with others?

Mr. WINGO. Since I was on the floor my memory has been refreshed, and my attention is called to section 4. By that section we make unlawful the acts, and by this section we punish conspiracy to commit these unlawful acts.

Mr. DEMPSEY. I see. I apologize to the gentleman from Indiana for taking so much of his time.

Mr. WOOD of Indiana. Will the gentleman yield?

Mr. SANDERS of Indiana. I yield to the gentleman.

Mr. WOOD of Indiana. I desire to call the attention of the gentleman from Arkansas [Mr. Wingo] to this fact: In order to prosecute a conspiracy successfully there must be some unlawful purpose for the conspiracy. Now, there is nothing in this section 9 but what might be entirely lawful. There either ought to be some characterization like that offered by the gentleman from Indiana [Mr. SANDERS] or else the word "unlawfully" should be inserted somewhere.

Mr. DEMPSEY. "Unlawfully" would be all right.

Mr. WINGO. In section 4 we declare the doing of these things unlawful, and then subsequently we punish the conspiracy to do the things which at another place in the same act are declared to be unlawful. In view of that fact does the gentleman think it is necessary to insert the word "unlawful" here?

Mr. DEMPSEY. I do not think so.

Mr. WOOD of Indiana. For this reason, in section 4 you are not proving a penalty. This is purely a criminal section and there ought to be set out some unlawful purpose; in order for a successful prosecution for conspiracy there must be an unlawful purpose. The word "unlawful" should be added or the things enumerated in (a), (b), and (c).

Mr. SANDERS of Indiana. In further proof that section 7 originally contained the provision I call the committee's attention to the fact that section 9 in the food bill had the same provision that I am seeking to place in this section, except that it was in the latter part of the section. On page 4 of the food bill, section 9, is the expression "in order to enhance the price thereof."

Mr. STAFFORD. Will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. STAFFORD. Does not the gentleman agree that in the food bill the clause he refers to refers to subsection d as the crime rather than—

Mr. SANDERS of Indiana. I was afraid of that interpretation, and in the committee I took it out and put it in the top line.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SANDERS of Indiana. I ask for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SANDERS of Indiana. I want to point out why I think it is absolutely necessary to put the qualifying words in the section. Section 9 does not deal alone with conspiracies and combinations, but also with agreements and arrangements. If the section of the bill is left as it now stands, you will have a violation of the criminal law for any two men to agree to limit the facilities for transportation of any of these necessities, although it may be for a wise and legitimate purpose, or to make an arrangement to that effect, no matter what sort of a purpose they may have.

Under section (b) if two men agree or arrange to restrict the supply of any of the necessities, no matter how lawful or worthy the object, it will be a violation of the section. If they have agreed to arrange to restrict the distribution, no matter what purpose they have, they will be subject to the drastic penalty of this provision.

But if the section is made to read as the food law reads, and as it should be interpreted, it will make only those things a crime when they are done for the purpose of enhancing the price. That is the object of the legislation. In other words, if they undertake to limit the transportation to enhance the price it will be a violation of the law. If they agree to restrict the supply in order to enhance the price, it will be a violation of the law. What is the objection to their restricting the supply unless it does enhance the price. If they undertake to restrict the distribution of it to enhance the price it will be a violation of the

law. If they arrange to do any of these things for some other purpose then it should not be a violation of the law. If they have some other object in view which is unlawful, and you want the law to cover that, then you have another matter, which can be reached by appropriate criminal legislation. But this ought not to be left in the shape that it is at the present, so that an undertaking to do a laudable thing subjects anyone to fine and imprisonment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKEOWN. Mr. Chairman, I ask unanimous consent that the gentleman may have one minute more that I may ask him a question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McKEOWN. As I gather, the gentleman wants to make it plain what the unlawful acts consist of.

Mr. SANDERS of Indiana. Yes.

Mr. McKEOWN. Would it not be wise to add these words, "in order to enhance the value and impede the Government in the progress of this war"?

Mr. SANDERS of Indiana. I would have no objection to the insertion of any phrase which would make unlawful things that ought to be made unlawful.

Mr. GREEN of Iowa. Mr. Chairman, the statement just made by the gentleman from Oklahoma [Mr. McKeown] affords one reason why possibly the amendment of the gentleman ought not to prevail. The question as to whether the amendment should be sustained depends on what is sought. If we consider this paragraph simply as a sort of antitrust measure, I quite agree with my friend from Indiana that the amendment ought to be inserted. But if as a war measure it is absolutely necessary that the Government should not be impeded in any kind of way in obtaining these materials and therefore it is sought to forbid not only the enhancement of the price but any attempt to prevent the Government from getting hold of the materials, of receiving them at any time, and gathering them together for necessary purposes, then I can see why the paragraph ought to remain in its original form.

Mr. STAFFORD. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. STAFFORD. Suppose two producers of an article get together and agree that they will not erect storage warehouses. That would limit the storage for materials; not intending to enhance the price but for a valid reason, does the gentleman believe we should make it a crime to carry out a valid business agreement?

Mr. GREEN of Iowa. The gentleman is supposing something that would not come within the provisions of the statute in any way.

Mr. STAFFORD. It does not even require it to be unlawful. The gentleman is not acquainted with the phraseology of the paragraph.

Mr. GREEN of Iowa. Oh, the gentleman is entirely acquainted with it. He has read it and reread it.

Mr. STAFFORD. Then I direct the gentleman's attention to subdivision (a) of section 9 and ask whether that does not apply to that very case?

Mr. GREEN of Iowa. A penalty can not be enforced simply because an act might in some kind of way be included within the provisions. If a penalty is enforced at all, it is enforced because it necessarily comes within the provisions; and the mere fact that a man combines with some others not to erect a storehouse would not subject him to any of the penalties of this paragraph. Criminal laws are always construed strictly, and nothing is included by implication.

Mr. HAMLIN. Can not the gentleman also see, if the amendment of the gentleman from Indiana is adopted, when the Government might find itself in this condition? It might appear that an injury had been done or a crime had been committed due to a conspiracy formed unlawfully, and yet the Government could not prove that the purpose of that conspiracy and the object of it was to "enhance the price" and therefore, if the amendment be adopted, the Government would fail to secure a conviction notwithstanding a great injury had been done to the Government.

Mr. GREEN of Iowa. That is all very true, and yet I perhaps would hardly want to oppose the amendment upon that ground. In peace times I would think that we ought to have the provision inserted that the gentleman from Indiana desires through his amendment.

Mr. HAMLIN. If the enhancement of the price is the only thing you want to prevent, then the amendment of the gentleman from Indiana [Mr. SANDERS] ought to be adopted, but I think we want to cover a broader field.

Mr. GREEN of Iowa. Yes. I think the whole question of whether the amendment should be adopted rests upon that point.

Mr. HAMLIN. I do, too.

Mr. SANDERS of Indiana. Suppose two miners got together and agreed to lay off on the Fourth of July. That would restrict the supply of necessities.

Mr. HAMLIN. I think the gentleman from Iowa has very well answered that argument. I do not think it enters into this at all, because if their purpose was innocent and not intending to commit any crime against the Government they could not be convicted. It is nonsense to talk about their being convicted under the circumstances just mentioned by the gentleman from Indiana.

Mr. GREEN of Iowa. The gentleman from Minnesota [Mr. ANDERSON] informs me that this provision was taken from the Canadian act.

Mr. SANDERS of Indiana. I think the provision was taken from the food act. The provisions of the food act may have been taken from the Canadian act. The food act contains a provision that I want to put in here.

Mr. GREEN of Iowa. In respect to food, I scarcely see how war preparation could be affected, unless the price of food was raised, and I think the provision was very properly put in that act.

Mr. COOPER of Wisconsin. Is it not an inevitable consequence of a restriction of the supply of necessities that the price of necessities shall be enhanced. A restriction of the supply of luxuries does not necessarily enhance the price, because you can do with or without luxuries, in your discretion. If they are necessities, however, which you must have, if the supply is restricted it enhances the price naturally in the market.

Mr. GREEN of Iowa. That would be the inevitable effect, and, as the gentleman from Wisconsin might have suggested further, the only result of the change in this particular case would be to throw an additional burden on the Government in making out its case.

Mr. SANDERS of Indiana. Suppose 100 laborers should strike and remain on a strike for three weeks. Could they be prosecuted under section (b), the way it is written now? That would restrict the supply of necessities.

Mr. GREEN of Iowa. The gentleman must remember that all through this is carried the necessary implication that the purpose must be proved; that is, the purpose to restrict the output. Unless this is shown, the conspiracy will not be made out. This purpose is not shown by proving that such a result might follow. I am not, however, asserting that the amendment of the gentleman from Indiana should be rejected. I am only presenting some matters that I think should be considered before a vote is taken.

Mr. YOUNG of North Dakota. Mr. Chairman, to-morrow will be the one hundredth anniversary of the proclamation of President James Monroe putting into operation the Rush-Bagot treaty, which provided for disarmament upon the Great American Lakes. At the time it was negotiated it was not dignified by the word "treaty." It was rather given the modest designation of "an exchange of notes."

Letters were exchanged between Richard Rush, Acting Secretary of State, and Charles Bagot, British minister to the United States. The negotiations were of the greatest simplicity. On April 28, 1817, Mr. Bagot wrote Mr. Rush that his Government had authorized him to accede to the proposition which had been made to him by Mr. Rush, which was:

That the naval force to be maintained upon the American Lakes by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side; that is:

On Lake Ontario to one vessel not exceeding 100 tons burden and armed with one 18-pound cannon.

On the upper Lakes to two vessels not exceeding like burden each and armed with like force.

On the waters of Lake Champlain to one vessel not exceeding like burden and armed with like force.

And His Royal Highness agrees that all other armed vessels on these lakes shall be forthwith dismantled and that no other vessels of war shall be there built or armed.

His Royal Highness further agrees that if either party should hereafter be desirous of annulling this stipulation and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

The following day Mr. Rush wrote a cordial letter to Mr. Bagot, in which he said:

The undersigned has the honor to express to Mr. Bagot the satisfaction which the President feels at His Royal Highness the Prince Regent's having acceded to the proposition of this Government as contained in the note alluded to. And in further answer to Mr. Bagot's note the undersigned, by direction of the President, has the honor to state that this Government, cherishing the same sentiments expressed

in the note of the 2d of August, agrees that the naval force to be maintained upon the Lakes by the United States and Great Britain shall henceforth be confined to the following vessels—

Named in Mr. Bagot's letter. It will be noticed that the armaments were reduced to the point of practically a revenue police service.

This is an almost forgotten page of history. Something like 99 people out of 100 have fallen into the mistake of believing that disarmament upon the Great Lakes dated from the treaty of Ghent, December 24, 1814. It is true that peace with Great Britain dates from the treaty of Ghent, but would that peace have endured had hostile battle fleets floated upon the Great Lakes during the past century?

Mr. Chairman, the life of the treaty was threatened more than once. Either party had the right to annul it upon six months' notice. Its existence was threatened during the Fenian raids of 1837 and again by reason of the excitement over the case of McLeod in the forties. The most serious menace to the life of this treaty, however, was on account of private shipbuilding interests a quarter of a century ago. On the 4th day of April, 1892, Senator McMillan, of Michigan, presented a petition of the iron shipbuilding companies of the Great Lakes praying for the early and complete abrogation of the treaty. On April 8, 1892, Senator McMillan introduced a resolution requiring the Secretary of War to inform the Senate whether any bids had been received for war vessels from shipbuilding companies on the Great Lakes and whether any such bids were refused or rejected for any reason or reasons other than such as follow from the usual rule in accepting or rejecting bids for that class of work; and if so, the reasons therefor.

On May 5, 1892, the Secretary of War reported that there had been three bids received for the construction of a first-class torpedo boat; that two of the bids were rejected upon the usual grounds; and the third, that of F. W. Wheeler & Co., of Bay City, Mich., being the lowest bid, was rejected, the reason assigned being that the department could not, under existing treaty stipulations, award a contract for the construction of a vessel of war upon the Great Lakes.

On April 8, 1892, a resolution was also passed by the Senate asking the Secretary of State to inform the Senate whether the Rush-Bagot treaty was still in force. Secretary of State John W. Foster replied, on December 7, 1892, expressing the opinion that it was still in force. In the meantime public sentiment had been somewhat aroused and to such an extent that the iron-ship building companies and others interested with them abandoned the idea of securing an abrogation of the treaty. No one, so far as known, has even suggested since then that the treaty should be abrogated. It has lived through a century and has doubtless been a great factor in maintaining the peaceful relations between this country and Great Britain which has existed since the signing of the treaty of Ghent.

The Great Lakes cover an area of 97,850 square miles and have over 5,000 miles of shore line. They are greater in extent than the Bering Sea, six times as large as the Baltic Sea, and almost as large as the Mediterranean. Many cities have been built along their shores, among them the great cities of Chicago and Milwaukee; Duluth, that will soon rival Pittsburgh; Detroit, Port Huron, and Bay City, three important cities of Michigan; Toledo and Cleveland, in Ohio; and the great city of Buffalo, in the Empire State; and on the Canadian side Port Arthur, Sault Ste. Marie, Goderich, Sarnia, Hamilton, Kingston, and Toronto. These are the more important cities, by no means all of them.

A kind Providence has smiled upon the commerce of these Lakes, dedicated to peace by the wise men of two great nations. Thirty-seven millions of people live in the eight bordering States, according to the census of 1910, more than one-third of the entire population of the North American Continent, and one-third of the total tonnage of North America is on the Great Lakes.

The development of the Lakes country is almost as little known as the treaty by which its commerce was permitted to grow unfettered by the frowns of guns on land or water. How many know that there is upon the Great Lakes the largest fleet of freighters on earth; and that its cities have grown more rapidly than Boston, New York, Philadelphia, or San Francisco? The freight handled on the Great Lakes amounts to six times as much as the freight of all the nations passing through the Suez Canal. To get an idea of the immensity of the Lakes traffic it may be said that in one year there were added 40 bulk freighters with a total capacity of 360,000 tons. To carry the same amount would require over 300 trains of 30 cars each, or a single train 70 miles long.

Dedicated to peace, the boundary Lakes have been in the past and will be in the future a great factor in preventing ex-



cessive railroad rates. Every farmer in the Northwest who has shipped a bushel of grain or purchased a ton of coal has been benefited in this respect; every consumer of the products of western farms or the products of the mines of Minnesota, Michigan, and Wisconsin has also been benefited by the Lakes transportation rates. And so these Lakes, which have somehow existed without the protection of armed ships of war, have been a blessing directly or indirectly to all the people of the United States and Canada.

It is difficult during this time of war to discuss peace problems. The thought of the Nation is almost entirely centered upon the war. The discussion of a premature peace is not only distasteful to real Americans but, to my mind, highly undesirable and mischievous. But sooner or later normal conditions will return. When that time comes it will be well for thoughtful Americans, and, indeed, the people of all nations, to keep in mind the wise and beneficent disarmament treaty entered into 100 years ago. And in this time of national stress, of all-absorbing war problems, may we not pause long enough to take off our hats to the prophets of a century ago, Richard Rush and Charles Bagot, who did so much to preserve peace among the Anglo-Saxon peoples? [Applause.]

Mr. WINGO. Mr. Chairman, just a word before the vote on the amendment is taken. I hope the committee will not adopt the amendment. We discussed this very proposition very fully in the committee. I wish to offer this suggestion to my colleague. Action in order to enhance the price is really not the prime and only thing we want to punish. Limiting the production of those things that we need would be a more serious offense, in my judgment, than conspiracy for the purpose of enhancing the price, but now, if the gentleman will turn to section 4 of the bill—

Mr. STAFFORD. Will the gentleman yield?

Mr. WINGO. I will.

Mr. STAFFORD. It might become a bother to the Government, where we have guaranteed the price and the production is more than the country can consume, to limit the production, and yet the gentleman would make that a penal offense.

Mr. WINGO. No; the gentleman is going far afield.

Mr. STAFFORD. If the gentleman will permit further, a later provision provides that the President shall even be authorized to levy tariff duties if there are going to be any supplies coming from abroad that will destroy or lower the guaranteed price.

Mr. WINGO. That does not have anything to do with private domestic production.

Mr. STAFFORD. And yet it might be to the interest of the Government to have private production lessened.

Mr. WINGO. I do not think any court would hold we are trying to legislate to penalize the Government—

Mr. COOPER of Wisconsin. Mr. Chairman, I make the point of order there is no quorum present.

Mr. FOSTER. If the gentleman will permit us—

Mr. COOPER of Wisconsin. How much longer is the gentleman going to run?

Mr. FOSTER. We want to finish this section and read the other one through.

Mr. COOPER of Wisconsin. I withdraw the point of order.

Mr. WINGO. Mr. Chairman, as I started to say, if gentlemen will read section 4, you will find that section makes the doing of these things, the doing of these acts unlawful, and to be frank, I think in the last two lines of section 4, page 5, we take care of the conspiracy proposition. But the provisions of section 4 make these things unlawful. That being true, it is not necessary to use the word unlawful in section 9. I hope the committee will not adopt the amendment.

Mr. ROBBINS. Will the gentleman yield?

Mr. WINGO. I will.

Mr. ROBBINS. Does not the gentleman think in a penal statute that is so severe in its penalties as this statute is in this section that there ought to be an intentional doing of an act or of things forbidden?

Mr. WINGO. Well, in order to answer the gentleman to my satisfaction, I would have to go into all the presumptions that flow from the doing of an act wrong per se. When a man does a thing it is presumed that he intends the natural consequences of his act. No sane man would do the things prohibited by this provision without a wrongful intent, doing what he knew was not only wrong, but also harmful to the country and unlawful by statute.

Mr. ROBBINS. If a man in a shipyard would take a holiday, would it be embraced in this section?

Mr. WINGO. I submit to the gentleman he can not find any court that would adopt such a strained construction. This is not to prevent a workman from going and taking a holiday, and

I do not think anything in this section would prevent a workman from striking if he wanted to.

Mr. GARLAND. Suppose a number of them go on a strike, would it?

Mr. WINGO. I think not.

Mr. ROBBINS. It would undoubtedly do that, because there would be an agreement to cease work and limit production.

Mr. WINGO. If men strike, not for the purpose of bettering their condition, but in order to hinder war preparations, then they should be punished.

Mr. ROBBINS. Then you ought to have the word "unlawful" in this section, and then you would have it protected by the other section.

Mr. WINGO. In section 4 these same acts are declared unlawful.

Mr. STAFFORD. This does not refer to section 4.

Mr. WINGO. It does. You have declared certain things to be unlawful in section 4, and then in section 9 you make it a penal offense to conspire to do any of these things which in section 4 you made unlawful.

Mr. DEMPSEY. The prime consideration is that an act must be read as a whole and not separately.

Mr. WOOD of Indiana. If you are correct in your contention that all is covered in section 4 makes unlawful all in section 9, then in order to make the two consistent each one must be for the purpose of prosecuting an unlawful act. I agree with the gentleman in the main in his contention; but if you will take and read section 4 and then take and read section 9, we will find some of the things are not specifically defined in section 4. I would therefore suggest to the gentleman that the word "unlawfully," after the word "who," in first line of section 9, will cure whatever defect may have been made by reason of all in section 9 not being included in section 4. And in the event that it is, it can not hurt anything and it will make both sections certain.

Mr. WINGO. To be frank with the gentleman, I do not think it is necessary.

Mr. WOOD of Indiana. It would not hurt anything.

Mr. WINGO. I prefer that to the amendment the gentleman has offered.

Mr. WOOD of Indiana. I offer as a substitute to the amendment proposed that the word "unlawfully" be added after the word "who," in line 8, page 9.

Mr. WINGO. The committee is prepared to accept that, though unnecessary.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Indiana [Mr. WOOD].

Mr. WALSH. Mr. Chairman, I could not hear the amendment as he stated it. It certainly ought to be reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WOOD of Indiana as a substitute for the amendment offered by Mr. SANDERS of Indiana: Page 9, line 8, after the word "who," insert the word "unlawfully."

Mr. LONDON. Mr. Chairman, I rise to a parliamentary inquiry. Has debate on this section been exhausted?

The CHAIRMAN. No.

Mr. LONDON. There seems to be a typographical error here. The expression "who, in order to enhance the price of necessities," which appears in this bill in lines 3 and 4, page 9, should have appeared in lines 8 and 9.

Mr. SCOTT of Michigan. That has been disposed of.

Mr. LONDON. There is no doubt but that is a typographical error.

Mr. SCOTT of Michigan. That has been taken out.

Mr. LONDON. I know it has been taken out in lines 3 and 4, but the committee intended it should be in lines 8 and 9. In other words, it should follow the word "person" in line 8, section 9, so that the section would read:

That any person who, in order to enhance the price of necessities, conspires, combines, agrees—

And so forth.

Mr. SCOTT of Michigan. That is the amendment presented by the gentleman from Indiana [Mr. SANDERS].

Mr. LONDON. I was under the impression that the amendment had been adopted by the committee.

Mr. SCOTT of Michigan. No.

Mr. LONDON. There is no reason why the committee should oppose it here. When the bill was before the committee, after considerable discussion, it reached the agreement that it was necessary in order to protect workers in case of a strike for the purpose of improving their condition, and not with the object of limiting the output.

Mr. WINGO. If the gentleman will permit, inasmuch as he was absent I will say that we have been discussing that very

amendment, that very proposition, and I think, if the gentleman will recall, the committee, after thoroughly going into this, stood by the language as it is now, and we specifically cut out the language that he is now asking to be restored.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. LONDON. I do.

Mr. SANDERS of Indiana. Is not the gentleman's recollection that in the committee we did so amend section 9 as to include after the word "who" the expression "in order to enhance the price of necessities"?

Mr. LONDON. The recollection of the gentleman from Arkansas [Mr. Wingo] seems to conflict with your recollection and mine. I am under the impression that we decided to incorporate the phrase "in order to enhance the price of necessities."

Mr. SANDERS of Indiana. That is my recollection. Let me ask the gentleman a question. If section 9 is left as it now reads, and there is a strike at any plant producing these necessities, is it the gentleman's opinion that every person joining in that strike would be guilty of this crime under subdivisions (c) and (d)?

Mr. LONDON. There is not the slightest doubt about it, no matter what the strike was for. The country has been very fortunate so far as strikes are concerned. There is complete cooperation with organized labor, and the only sections of the country where they suffer are those sections where the employers are a band of pirates and the workers are not given a chance to organize, so that in some sections the I. W. W. are merely working out the law of compensation. Where the employers are a band of thieves and conscienceless oppressors, there they have the I. W. W. to deal with, but wherever the employers have learned to recognize the right of the working people to improve their condition by collective efforts there has been no trouble, and there will be no trouble.

Mr. HAMLIN. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. HAMLIN. The gentleman answered affirmatively the question of the gentleman from Indiana, that a strike would come under the ban of this section.

Mr. LONDON. I so believe. Otherwise I would not try to take up the time of the House.

Mr. HAMLIN. The gentleman does not want to say that when workmen strike their purpose is to "limit the facilities or the production or the manufacture of these materials"? In other words, that the purpose of the workmen in striking is to injure the Government rather than better their condition. I do not think so.

Mr. LONDON. I have a pretty fair knowledge of the laws relating to labor unions. There is a section in the criminal code of New York State which affirmatively declares that the action of workmen in striking for the purpose of improving their conditions and getting better wages shall not be held a crime, because before that it was almost uniformly interpreted as a criminal conspiracy, and it was necessary to affirmatively declare it in the law of New York. I am familiar with the decisions of the courts in reference to the laws regarding the rights of workmen. There is no reason why you should hamper workers who are resisting exploitation.

Mr. HAMLIN. I think there ought to be something in this law to punish men for doing these things for other purposes than merely enhancing the price of the materials.

Mr. ROBBINS. Does not the gentleman think that "unlawful" would be the better expression? Because there is a law which prevents men from striking for purposes other than that of bettering their condition.

Mr. LONDON. There is no Federal law covering that.

Mr. McKEOWN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

Mr. McKEOWN. This is an amendment to the amendment of the gentleman from Indiana [Mr. SANDERS]. It was prepared as a substitute.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment to the amendment of the gentleman from Indiana, which the Clerk will report.

Mr. FOSTER. Mr. Chairman, I move that the committee do now rise.

Mr. HAMLIN. Oh, let the amendment be read, so that it will be in the Record.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. McKEOWN to the amendment offered by Mr. SANDERS of Indiana: Add to the amendment the words "or for the purpose of impeding the Government in carrying on the war," so that it will read, "in order to enhance the price of necessities or for the purpose of impeding the Government in carrying on the war."

Mr. FOSTER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11259) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported, or of which there is or may be an inadequate supply, and had come to no resolution thereon.

#### ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House, under the previous order, adjourned until to-morrow, Sunday, April 28, 1918, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting for the consideration of Congress copy of a communication from the Secretary of War submitting a deficiency estimate of appropriation required by the health department of the Panama Canal for the fiscal year 1918 (H. Doc. No. 1069); to the Committee on Appropriations and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting certified copy of the findings of fact, with an opinion of the court, per curiam, in the case of the Yankton Sioux Indians v. The United States (H. Doc. No. 1069); to the Committee on Indian Affairs and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. McCLINTIC, from the Committee on the Public Lands, to which was referred the bill (H. R. 139) granting to the State of Oklahoma 210,000 acres of unappropriated nonmineral land for the benefit of its agricultural and mechanical colleges according to the provisions of the acts of July 2, 1862, and July 23, 1862, and authorizing the Secretary of the Treasury, upon the Secretary of the Interior certifying the number of acres available and that there are not sufficient lands in the State of Oklahoma to comply with the provisions of this act, to pay the State of Oklahoma in lieu thereof the sum of \$1.25 per acre for the number of acres due said State, reported the same with amendment, accompanied by a report (No. 526), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 10459) granting a pension to Jean N. Roach, and the same was referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. YOUNG of North Dakota: A bill (H. R. 11736) for the erection of a monument to the memory of Richard Rush and Charles Bagot at Duluth, Minn.; to the Committee on the Library.

By Mr. BELL: A bill (H. R. 11737) to provide for the erection of a public building at the city of Winder, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11738) to provide for the erection of a public building at the city of Buford, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11739) to establish a fish hatchery and fish station in the ninth congressional district of Georgia; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 11740) authorizing the erection of a post-office building at Commerce, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11741) to construct a suitable building for the use of the United States Court at Gainesville, Ga., and for



other purposes; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11742) to provide for the erection of a public building at the city of Canton Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11743) authorizing the erection of a post-office building in Jefferson, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11744) authorizing the erection of a post-office building at Lawrenceville, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11745) for the relief of the State of Georgia; to the Committee on Claims.

Also, a bill (H. R. 11746) to construct a national highway in Georgia; to the Committee on Military Affairs.

Also, a bill (H. R. 11747) to provide for the erection of a public building at the city of Toccoa, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11748) to construct a national highway from Gainesville, Ga., to Hightower Gap; to the Committee on Military Affairs.

By Mr. FRENCH: A bill (H. R. 11749) to amend an act entitled "An act to amend section 2291 and section 2297 of the Revised Statutes of the United States relating to homesteads"; to the Committee on the Public Lands.

By Mr. BELL: A bill (H. R. 11750) authorizing and directing the Secretary of Agriculture to conduct experiments in the cultivation of apple trees and apples and to establish an experiment station at Cornelia, Habersham County, Ga.; to the Committee on Agriculture.

Also, a bill (H. R. 11751) to amend the acts to regulate commerce so as to provide that publishers of newspapers and periodicals may enter into advertising contracts with common carriers and receive payment for such advertisements in transportation; to the Committee on Interstate and Foreign Commerce.

By Mr. BLAND: A bill (H. R. 11752) authorizing the Secretary of War to provide and present a medal of honor to Dossey A. Lenning for distinguished military service; to the Committee on Military Affairs.

By Mr. HAMILTON of New York: Resolution (H. Res. 327) authorizing the Clerk of the House to pay to Amy S. Travis, widow of John A. Travis, late a messenger on the soldiers' roll of the House, a sum equal to six months' compensation; to the Committee on Accounts.

By Mr. HEFLIN: Resolution (H. Res. 328) to insure justice to the cotton farmer and an adequate cotton supply; to the Committee on Agriculture.

By Mr. STINESS: Memorial of the Rhode Island General Assembly, indorsing the proposed council of States on the establishment of definite relationship between sources of Federal and State revenues, and providing for official representation therein; to the Committee on Ways and Means.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 11753) granting an increase of pension to James W. Craig; to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 11754) for the relief of William J. Cochran; to the Committee on War Claims.

Also, a bill (H. R. 11755) for the relief of James H. Hendricks; to the Committee on War Claims.

Also, a bill (H. R. 11756) for the relief of Joseph M. Davis; to the Committee on War Claims.

Also, a bill (H. R. 11757) for the relief of Mrs. F. E. Chandler; to the Committee on War Claims.

Also, a bill (H. R. 11758) for the relief of the heirs of W. W. W. Fleming; to the Committee on War Claims.

Also, a bill (H. R. 11759) for the relief of New Hope Baptist Church, of Bartow County, Ga.; to the Committee on War Claims.

Also, a bill (H. R. 11760) for the relief of Benjamin C. Martin, Ezekiel Martin, Henry C. Fuller, Ezekiel Fuller, Eliza L. Crow, and Elizabeth Martin; to the Committee on the Judiciary.

Also, a bill (H. R. 11761) to carry into effect the findings of the Court of Claims in the claim of O. H. P. Wayne; to the Committee on War Claims.

Also, a bill (H. R. 11762) granting a pension to Sanford A. Pinyan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11763) granting a pension to Benjamin B. Glass; to the Committee on Pensions.

Also, a bill (H. R. 11764) granting a pension to Albert H. Free; to the Committee on Pensions.

Also, a bill (H. R. 11765) granting a pension to Swinfield Stanley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11766) granting a pension to William S. Kemp; to the Committee on Pensions.

Also, a bill (H. R. 11767) granting a pension to Pinckney P. Chastain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11768) granting a pension to William A. Senkbeil; to the Committee on Pensions.

Also, a bill (H. R. 11769) granting a pension to William J. Shedd; to the Committee on Pensions.

Also, a bill (H. R. 11770) granting a pension to Ernest P. Summer; to the Committee on Pensions.

Also, a bill (H. R. 11771) granting a pension to William M. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11772) granting a pension to Sarah L. Bowen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11773) granting a pension to William H. Simmons; to the Committee on Pensions.

Also, a bill (H. R. 11774) granting a pension to James N. Parker; to the Committee on Pensions.

Also, a bill (H. R. 11775) granting an increase of pension to Martin K. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11776) granting an increase of pension to Jackson A. Watkins; to the Committee on Pensions.

Also, a bill (H. R. 11777) granting an increase of pension to Samuel M. Higgins; to the Committee on Pensions.

By Mr. BLAND: A bill (H. R. 11778) granting a pension to Mary A. Barnett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11779) granting an increase of pension to Edward D. Mills; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11780) granting an increase of pension to William T. Richardson; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 11781) granting an increase of pension to Alfred Lukens; to the Committee on Invalid Pensions.

By Mr. DILL: A bill (H. R. 11782) granting an increase of pension to William T. Hoxey; to the Committee on Pensions.

By Mr. GLYNN: A bill (H. R. 11783) granting a pension to Elliott B. Peck; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 11784) granting an increase of pension to Harvey Fleagle; to the Committee on Pensions.

By Mr. GOULD: A bill (H. R. 11785) granting an increase of pension to Emma L. Beach; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 11786) granting a pension to Jennette Hamilton; to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 11787) granting a pension to Fannie Campfield; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 11788) granting an increase of pension to Robert W. Jones; to the Committee on Invalid Pensions.

By Mr. LUNN: A bill (H. R. 11789) for the relief of Patrick J. Purcell; to the Committee on Claims.

By Mr. MERRITT: A bill (H. R. 11790) for the relief of Perry L. Haynes; to the Committee on Claims.

By Mr. MOORES of Indiana: A bill (H. R. 11791) for the relief of Lemuel Stokes; to the Committee on War Claims.

By Mr. RANDALL: A bill (H. R. 11792) granting an increase of pension to Otto B. Varner; to the Committee on Pensions.

By Mr. ROMJUE: A bill (H. R. 11793) granting an increase of pension to Joseph Forbes; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 11794) granting an increase of pension to Mary Herbst; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 11795) granting an increase of pension to Charles J. Schoonmaker; to the Committee on Pensions.

Also, a bill (H. R. 11796) granting a pension to Annie Eliza Whitney; to the Committee on Pensions.

Also, a bill (H. R. 11797) granting an increase of pension to Archie Morgan; to the Committee on Invalid Pensions.

By Mr. SWIFT: A bill (H. R. 11798) to carry out the findings of the Court of Claims in the case of Marie L. Hermance, administratrix of Jeremiah Simonson, deceased; to the Committee on War Claims.

By Mr. TILLMAN: A bill (H. R. 11799) to correct the military record of James H. Murphy; to the Committee on Military Affairs.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DALE of New York: Petitions of B. A. Larger, general secretary, Garment Workers of America, and of F. W. Crum and N. F. Hanf, both of New York City, urging the repeal of

the zone system of postage rates on second-class mail matter; to the Committee on Ways and Means.

By Mr. ELSTON: Memorial of California Federation of Women's Clubs, favoring war-time prohibition; to the Committee on the Judiciary.

By Mr. HAYES: Memorial of the First Church of Christ; Tent No. 1, Daughters of Veterans; and Sheridan Dix Post, No. 7, Grand Army of the Republic, all of San Jose, Cal., favoring immediate prohibition; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Memorial of the Woman's Peace Party of Cincinnati, opposing compulsory military training; to the Committee on Military Affairs.

By Mr. NOLAN: Petition of the Judson Manufacturing Co., 819 Folsom Street, and 11 other firms, of San Francisco, Cal., favoring payment of income and excess-profits taxes in installments; to the Committee on Ways and Means.

Also, petition of the James Graham Manufacturing Co., 531 Mission Street, and 11 other firms of San Francisco, Cal., favoring the payment of income and excess-profits taxes in installments; to the Committee on Ways and Means.

Also, petition of J. J. Pfister Knitting Co., post-office station A, Berkeley, Cal.; Klein-Norton Co., 253-259 South Los Angeles Street, Los Angeles, Cal.; and Hedges-Buck Co., post-office box 514, Stockton, Cal., favoring payment of income and excess-profit taxes in installments; to the Committee on Ways and Means.

By Mr. RAKER: Petition of H. N. Cook Co., of San Francisco, Cal., against putting leather goods under Government control; to the Committee on Agriculture.

Also, petition of Pedic Society of the State of California, favoring passage of House bill 3649, regulating practice of chiropody in Washington, D. C.; to the Committee on the District of Columbia.

Also, petition of W. L. Rose, of Stockton, Cal., submitting war suggestions; to the Committee on Military Affairs.

Also, memorial of the Chamber of Commerce of the United States, relative to central control of Government war buying; to the Committee on Military Affairs.

Also, petition of the United States Chamber of Commerce, favoring the national budget; to the Committee on Appropriations.

By Mr. STINESS: Petition of Rhode Island Homeopathic Medical Society, approving House bill 9563, the Dyer bill; to the Committee on Military Affairs.

Also, petition of Rhode Island State Board of Soldiers' Relief, requesting favorable action relative to House bill 8301; to the Committee on Appropriations.

By Mr. VARE: Memorial adopted by a meeting of citizens of Philadelphia, protesting against conscription of Irish by England; to the Committee on Foreign Affairs.

Also, memorial of the building committee, Philadelphia Chamber of Commerce, asking that housing operation be started to care for Government workers in shipbuilding plant in Philadelphia; to the Committee on Public Buildings and Grounds.

## HOUSE OF REPRESENTATIVES.

SUNDAY, April 28, 1918.

The House met at 12 o'clock noon, and was called to order by Mr. GREENE of Massachusetts as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

God in Heaven, whose glory shines round about us with ever-increasing splendor, and which discloses Thy wisdom, power, and goodness in every creative act, from the smallest grain of sand on the seashore to the farthest star that glids the heavens; from the tiniest blade of grass to the most gigantic tree of the forest; from the most infinitesimal germ of life to man, the crowning glory of Thy creative acts, upon whom Thou hast bestowed the power of choice and thus dignified him as the architect of his own fortune—a stupendous responsibility, yet the evidence of Thy trust in him to meet the conditions of life and make for himself a character worthy of the highest admiration.

We meet here to-day, within these historic walls, to memorialize a man who for years was a conspicuous figure on the floor of this House—striking in his personality; strong in his intellectual, moral, and spiritual endowment; rising ever to the full measure of every trust reposed in him by his fellows; leaving behind him a record worthy of emulation.

We mourn his going, and our hearts go out in the warmest sympathy to those who knew and loved him; especially to the daughter who looked to him for strength, guidance, comfort.

May the heart inspire the words of his colleagues that his name may live in history, a beacon light to guide those who shall come after us.

Comfort us all by the blessed hope of the immortality of the soul and inspire us to live worthy of the blessings Thou hast bestowed upon us and we will praise Thy Holy Name, in Jesus Christ our Lord. Amen.

### THE JOURNAL.

The SPEAKER pro tempore. The Clerk will read the Journal of the proceedings of yesterday.

Mr. BURROUGHS. Mr. Speaker, I ask unanimous consent that the reading of the Journal be dispensed with.

The SPEAKER pro tempore. The gentleman from New Hampshire asks unanimous consent that the reading of the Journal be dispensed with. Is there objection?

There was no objection.

### THE LATE REPRESENTATIVE SULLOWAY.

The SPEAKER pro tempore. The Clerk will read the special order.

The Clerk read as follows:

On motion of Mr. WASON by unanimous consent.

Ordered, That Sunday, April 28, 1918, be set apart for addresses on the life, character, and public services of Hon. CYRUS A. SULLOWAY, late a Representative from the State of New Hampshire.

Mr. WASON. Mr. Speaker, several Members of the House who have signified their intention of speaking to-day are unable to be present. I ask unanimous consent that any Member who desires may extend or print in the RECORD remarks on the life and character and service of the late Representative SULLOWAY.

The SPEAKER pro tempore. The gentleman from New Hampshire asks unanimous consent that Members desiring to do so may extend or print in the RECORD remarks on the life, character, and service of the late Representative SULLOWAY. Is there objection?

There was no objection.

Mr. WASON. Mr. Speaker, I offer the following resolution and move its adoption.

The Clerk read as follows:

### House resolution 329.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. CYRUS A. SULLOWAY, late a Member of this House from the State of New Hampshire.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. WASON. Mr. Speaker, from my youth to the date of his death, CYRUS ADAMS SULLOWAY was an acquaintance and a friend. That acquaintance and friendship covered a period of about 40 years. During that period I knew him as a resident and citizen of the county in which I was born and have since lived. I knew him as a member of our State legislature, as Congressman from the first New Hampshire district, and I knew him as a lawyer, both of us practicing in the same courts.

He was born in Grafton, N. H., June 8, 1839, where his boyhood days were spent on his father's farm. In that town his early education was obtained in the public schools. Later, by his own industry and perseverance, with slight assistance from his parents, he was able to take a partial course of instruction at Kimball Union Academy.

In 1863 he was admitted to the bar of New Hampshire, and a few months later went to Manchester, N. H., and began the practice of law, which he followed until March 4, 1895, when he took his seat as a Representative in Congress from the first congressional district of his native State, which position by successive reelections he held, with the exception of two years (Mar. 4, 1913, to Mar. 4, 1915), until the date of his death.

In the early sixties, while he was studying law in Franklin, N. H., he three times voluntarily enlisted in the Union Army, three times determined and eager to defend his country, each time he was rejected by the Army surgeons owing to his physical condition.

The deceased Congressman was a self-made man. In early life his environments were humble but wholesome. He early in life was industrious and straightforward. These became his life characteristics.

In that typical rugged country of central New Hampshire he early learned nature and developed a love for her picturesque hills and valleys, her bubbling, sparkling streams, her green fields, and her forests. Here he learned to follow the winding brook with rod and line. This pastime was his favorite diversion from work and furnished sport through all the later years of his busy life.